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ACTS

OF THE

GENERAL ASSEMBLY

OF THE

State of Georgia,

PASSED IN MILLEDGEVILLE

• AT AN

ANNUAL SESSION

IN NOVEMBER AND DECEMBER,

1827.

PUBLISHED BY AUTHORITY,

MILLEDGEVILLE:

PRINTED BY CAMAK & BAGLAND.

1827.

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ACTS
OF THE
GENERAL ASSEMBLY
OF
The State of Georgia,

PASSED IN NOV. AND DEC. 1827.

Academies.

AN ACT to incorporate the Troup County Academy.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That from and immediately after the passage of this act, the Troup County Academy be known and called by that name, and that Samuel Read, Richard A. Lane, Whitfield H. Sledge, Henry Rogers, and Charles L. Kennon, and their successors in office be and they are hereby declared to be a body politic and corporate by the name and style of the Trustees of Troup County Academy, and as such shall be capable and liable in law to sue and be sued, plead and impleaded, and shall be authorised to make such bye-laws and regulations as may be necessary for the government of said Academy: *Provided*, such bye-laws are not repugnant to the constitution and laws of this State, and for that purpose may have and use a common seal, appoint such officers as they may think proper, and remove the same from office for improper conduct or neglect of duty.

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SEC. 2. *And be it further enacted by the authority aforesaid,* The said trustees shall be capable of accepting and being vested with all manner of property, real and personal, and all donations, gifts, grants, privileges and immunities whatsoever, which may belong to said institution, or which may hereafter be conveyed or transferred to them or their successors in office, to have and to hold the same for the proper benefit and behoof of said Academy.

SEC. 3. *And be it further enacted by the authority aforesaid,* That the Trustees are authorised to fill any vacancy that may occur by death, resignation or otherwise.

IRBY HUDSON,
Speaker of the House of Representatives,
THOMAS STOCKS,
President of the Senate.

Assented to, Dec. 26, 1827.

JOHN FORSYTH, Governor.

AN ACT to incorporate the Blakely Academy in the county of Early.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passage of this act, there shall be established at or near Blakely in the county of Early, on lot No. 155, in the 28th District, an academy to be called and known by the name of the "Blakely Academy," and that John Dill, Benjamin Collier, Benjamin Hodges, Julius Weaver, Husteus Studstill, and their successors in office, be and they are hereby declared to be a body politic and corporate, by the name and style of the trustees of Blakely Academy, and as such be capable and liable in law to sue and be sued, plead and be impleaded, and shall be authorised to make such bye-laws and regulations as may be necessary for the government of said Academy: *Provided,* such bye-laws are not repugnant to the constitution and laws of this State; and for that purpose may have and use a common seal, appoint such officers as they may think

proper, and remove the same from office for improper conduct or neglect of duty.

Sec. 2. *And be it further enacted*, That the said Trustees shall be capable of accepting and be invested with all manner of property, real and personal, all donations, gifts, grants, privileges and immunities whatsoever, which may belong to said institution, or which may hereafter be conveyed, appropriated, or transferred to them, or their successors in office, to have and to hold the same for the proper benefit and behoof of said academy; and they shall be entitled to an equal share of all monies heretofore, or which may hereafter be appropriated to the academy or academies in said county, by the laws of said State, appropriating funds for the benefit of academies; and the commissioners of the academy already incorporated in said county shall pay over to the commissioners of Blakely Academy one half of the funds received by them for the use of their academy, or be subject to an action for the same in default thereof at the instance of the said commissioners of Blakely Academy.

Sec. 3. *And be it further enacted*, That when any vacancy may happen, by death, resignation, or otherwise, of any of the Trustees of said academy, the survivors, or a majority of said trustees, shall fill the same in such manner as shall be pointed out by the bye-laws and regulations of the trustees aforesaid.

IRBY HUDSON,

Speaker of the House of Representatives

THOMAS STOCKS,

President of the Senate

Assented to, Dec. 24, 1827.

JOHN FORSYTH, Governor.

AN ACT to appoint additional Trustees for the Academy of Jefferson county, and to add a part of the Poor School fund of the county, to the funds of that Academy, and to authorise the said trustees to draw the dividends due the said academy, and also the funds added to the same by this act.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met,

That Roger L. Gamble, Asa Holt, Ebenezer Bothwell, Benjamin Gobert, Samuel W. Robins and Joseph Lowry be and they are hereby appointed Trustees of the academy of Jefferson county in addition to those already appointed.

Sec. 2. *And be it further enacted by the authority aforesaid,* That four hundred dollars of the poor school fund of the county of Jefferson, now in the treasury, shall be added to and become a part of the funds of the Jefferson county academy.

Sec. 3. *And be it further enacted,* That the said trustees shall be entitled to draw from the treasury the dividend which has been declared in favor of the Jefferson county academy under the act of the Legislature of eighteen hundred and twenty-two; also, the four hundred dollars of the poor school fund which has been added to the funds of that academy by this act, any law to the contrary notwithstanding.

Sec. 4. *And be it further enacted,* That the said trustees shall have power and authority to fill any vacancy that may occur in the said board, by death, resignation, or otherwise, after the number shall have been reduced below five, and not before.

IRBY HUDSON,

Speaker of the House of Representatives.

THOMAS STOCKS,

President of the Senate.

Assented to Dec. 22, 1827.

JOHN FORSYTH, Governor.

AN ACT to consolidate the academical and poor school funds of the county of Dooley.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passage of this act, the fund set apart and known as the academy fund for the county of Dooley, shall no longer be known as a fund for that purpose, but shall be attached to and become a part of the poor school fund for said county.

Sec. 2. *And be it further enacted,* That it shall be the duty of the trustees of said academy to pay over all monies, or other effects belonging to said academy, into the hands of the trustees of the poor school fund for said county, and by them to be applied to the education of the poor, agreeable to the law already in force.

Sec. 3. *And be it further enacted,* That the trustees as aforesaid shall make application and receive from time to time any monies in the treasury which may be set apart for the Dooly county academy.

Sec. 4. *And be it further enacted,* That all laws and parts of laws militating against this act, be and the same are hereby repealed.

IRBY HUDSON,

Speaker of the House of Representatives,

THOMAS STOCKS,

President of the Senate.

Assented to Dec. 4, 1827.

JOHN FORSYTH, Governor.

AN ACT to amend an act entitled an Act to incorporate the Knoxville Academy, in Crawford county.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That Edward Barker, Hiram Warner, Jeremiah Harvey, Jesse Stone and James Williams, be and they are hereby appointed trustees of the Knoxville academy, and that any three of said trustees shall constitute a quorum for the transaction of business.

Sec. 2. *And be it further enacted,* That whenever a vacancy shall happen, by death, resignation, removal, or otherwise, the same shall be filled by the remaining trustees: *Provided,* that a majority of the members present shall be necessary to a choice.

Sec. 3. *And be it further enacted,* That the said trustees shall have power to appoint a secretary, treasurer, and such other officers as they shall deem necessary, and shall require of such officers bond and security in such sum as they think proper; and shall have power to remove all

such officers, and appoint others in their stead when in their judgment the interest of the institution may require it.

Sec. 4. *And be it further enacted*, That all laws or parts of laws repugnant to or militating against this act, be and the same are hereby repealed.

IRBY HUDSON,

Speaker of the House of Representatives.

THOMAS STOCKS,

President of the Senate.

Assented to Dec. 17, 1827:

JOHN FORSYTH, Governor.

AN ACT to appoint two additional Trustees of the poor school fund of the county of Ware, to establish school districts, and to apportion the poor school fund among said districts.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That William Smith and Jeremiah Johns, be and they are hereby appointed trustees of the poor school fund of the county of Ware, in addition to those already appointed by an act entitled an act to appoint trustees for the poor school fund for the county of Ware, and to vest the funds of the Ware county academy in the same.

Sec. 2. *And be it further enacted*, That the said William Smith and Jeremiah Johns, be and they are hereby vested with the same and equal power and authority of the trustees appointed by the before recited act.

Sec. 3. *And be it further enacted*, That the trustees of the poor school fund of Ware county shall have power to establish schools for the benefit of poor children in each captains districts, and apportion the poor school fund among said captains districts in such manner as they or a majority may deem most equitable and just.

IRBY HUDSON,

Speaker of the House of Representatives.

THOMAS STOCKS,

President of the Senate.

Assented to Dec. 22, 1827:

JOHN FORSYTH, Governor.

AN ACT to incorporate Rock Spring Academy in Monroe county.

*Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That from and immediately after the passage of this act, the Academy in Monroe county, now known and called by the name of Rock Spring Academy shall be known and called by that name, and that Jephtha Hill, John Finch, and Harris Johnson, and their successors in office, be and they are hereby declared to be a body politic and corporate, by the name and style of the Trustees of Rock Spring Academy, and as such shall be capable and liable in law to sue and be sued, plead and be impleaded, and shall be authorised to make such bye laws and regulations as may be necessary for the said Academy: *Provided* such bye-laws be not repugnant to the constitution and laws of this State, and for that purpose may have and use a common seal, appoint such officers as they think proper and remove the same from office for improper conduct or neglect of duty.*

Sec. 2. And be it further enacted, That the said Trustees shall be capable of accepting and being invested with all manner of property, real and personal, all donations, gifts, grants, privileges and immunities whatsoever, which may belong to said institution, or which may hereafter be conveyed or transferred to them or their successors in office, to have and to hold the same for the proper benefit and behoof of said Academy.

Sec. 3. And be it further enacted, That when any vacancy may happen by death, resignation or otherwise, of any of the Trustees of Rock Spring Academy, the survivors or remaining Trustees shall fill the same in such manner as shall be pointed out by the bye laws and regulations of the Trustees aforesaid.

IRBY HUDSON,

Speaker of the House of Representatives.

THOMAS STOCKS,

President of the Senate.

Assented to, Dec. 22, 1827.

JOHN FORSYTH, Governor.

AN ACT for the relief of the several counties in the State in which the Commissioners of the poor school fund shall have failed to make their returns in conformity with the law.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, That in all cases where the Trustees of any poor school funds in this State shall have failed to make their returns in terms of the law in such cases made and provided, they shall be allowed to make returns for the ensuing year embracing returns for the past years, and that thereupon they shall be entitled to receive such sum as they would have been entitled to, if they had made their returns regularly.

IRBY HUDSON,
Speaker of the House of Representatives.
THOMAS STOCKS,
President of the Senate

Assented to, Dec. 21, 1827.

JOHN FORSYTH, Governor.

AN ACT to amend an act entitled an act to appoint Trustees for the Poor School in Tattnall county, and vest the funds of the Tattnall county academy in the same.

Whereas there are many persons owning property to a very considerable amount, which property by law is not taxable, and whereas the Trustees of the poor school fund are compelled to admit by the present law, the children of such persons to all the benefits and privileges of said fund—Therefore,

Be it enacted by the Senate and House of Representatives in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passage of this act it shall be allowed to the Trustees of the poor school fund in the county of Tattnall to judge of all children who may be presented whether they may be entitled to the benefits of said fund

without reference to the amount of tax which the parents of such children may pay.

Sec. 2. *Be it further enacted*, That it shall be the duty of the Trustees of the poor school fund in the county of Tattnall to appoint a Teacher in each Captains district in said county, and to fill such vacancies as may occur by death, resignation or otherwise.

Sec. 3. *And be it further enacted*, That all laws and parts of laws militating against the same be, and they are hereby repealed.

IRBY HUDSON,

Speaker of the House of Representatives.

THOMAS STOCKS,

President of the Senate.

Assented to, Dec. 18, 1827.

JOHN FORSYTH, Governor.

AN ACT to repeal an act, entitled an act, to add that part of the funds heretofore set apart for the support of County Academies, to the poor school funds so far as respects the County of Rabun, passed the 27th Dec. 1826, and to appoint Commissioners for the purpose of applying the Poor School and Academy funds of said county.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That the above recited act be and the same is hereby repealed.

Sec. 2. *And be it further enacted by the authority of the same*, That the free school and academy funds for said county be, and the same is hereby vested in the hands of Laullen Gilliland, Tilman Powell, James Dillard, Samuel Beck, and Edward Coffy, who shall form and constitute a Board of Commissioners for the purpose of applying the aforesaid funds to the uses and objects contemplated by the acts of the General Assembly in relation to the support of free schools and county academies, the said Commissioners applying said funds respectively to each of the aforesaid institutions, according to their respective amounts appropriated by law to each as they in their

discretion shall deem most conducive to the interest of said free school and county academy.

Sec. 3. *And be it further enacted*, That the person or persons in whom any of the funds of said free school or academy may now be or into whose hands the same may at any time heretofore have passed, be bound to pay over the same to the before mentioned Commissioners, and the said Commissioners are hereby created a body politic and capable in law to sue and be sued, plead and be impleaded, have a common seal, and possess all the powers of a body corporate, and especially authorised to sue for and recover any of the aforesaid funds withheld or detained by any person or persons who may now have or have had the same in their hands or control.

Sec. 4. *And be it further enacted*, That in case of a vacancy in said Board of Commissioners by death, resignation or otherwise, the same shall be filled by the remaining members of said Board.

IRBY HUDSON,

Speaker of the House of Representatives.

THOMAS STOCKS,

President of the Senate.

Assented to Dec. 19, 1827.

JOHN FORSYTH, Governor.

AN ACT to regulate the poor school fund in the counties of Hancock and Burke.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That on the first Monday in January of each year after the passage of this act, or so soon thereafter as may be convenient, the Inferior court of said counties shall appoint one Commissioner of the poor school fund in each district in said counties, from each of whom the said court shall take bond with good and sufficient security for the faithful discharge of their duty as Commissioners aforesaid, and the said court shall immediately on receiving such bond, place in the hands of said district commissioners, the amount of poor school funds to which said counties may be entitled for the year in such proportions as in the opin-

hon of said court, may best promote the education of the poor of said counties.

Sec. 2. *And be it further enacted by the authority aforesaid,* That it shall be the duty of said district commissioners to render an account of their actings and doings, to the Justices of said court once in four months, and it shall be the duty of said Justices to lay before the Senatus Academicus annually, a full and fair statement of their proceedings under and by virtue of this act.

Sec. 3. *And be it further enacted by the authority aforesaid,* That all the poor school fund to which the said counties have been or may be entitled shall be paid over to the Justices of the Inferior court of said counties, and that their drafts on the Governor from time to time shall be his authority for the payment thereof.

Sec. 4. *And be it further enacted by the authority aforesaid,* That all laws and parts of laws militating against this act be and the same are hereby repealed.

IRBY HUDSON,

Speaker of the House of Representatives,

THOMAS STOCKS,

President of the Senate,

Assented to, Dec. 24, 1827.

JOHN FORSYTH, Governor,

W. DE.

AN ACT to amend an act, to incorporate the Franklin Academy in Upson county.

Whereas the act passed at the last session of the Legislature to incorporate the Franklin Academy in Upson county, has the name of Andrew Hunt named as one of the Trustees of said Academy—And whereas it was intended to appoint Anderson Hunt a Trustee of said Academy and not Andrew Hunt.

Be it therefore enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That Anderson Hunt be, and he is hereby appointed a Trustee of the Franklin Academy in Upson county, and all acts done by him heretofore as a Trustee of said Academy be, and the same are hereby declared valid and

legal to all intents and purposes—Any law to the contrary notwithstanding.

IRBY HUDSON,
Speaker of the House of Representatives.
THOMAS STOCKS,
President of the Senate.

Assented to, Dec. 17, 1827.

JOHN FORSYTH, Governor.

AN ACT to sell and dispose of lots No. ten and one hundred, in the several districts in the counties of Appling, Irwin, and Ware, reserved by the Lottery Act, passed the 15th day of December, eighteen hundred and eighteen, for the education of poor children.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That the Sheriffs of the counties of Appling, Irwin, and Ware, be and they are hereby authorised and required to advertise and expose to sale, lots Number ten and one hundred, in the several districts in said counties, in the manner and under the restrictions that are prescribed by an act entitled an act, to sell and dispose of the fractional parts of surveys of land which remain unsold in the counties of Walton, &c.

Sec. 2. And be it further enacted, That the sheriffs aforesaid, shall pay over and deposit with the treasurer of this State, the proceeds of the sale of said lots, to be by him annexed, and become a part of the poor school fund.

Sec. 3. And be it further enacted, That all laws and parts of laws militating against this act, be and the same are hereby repealed.

IRBY HUDSON,
Speaker of the House of Representatives.
THOMAS STOCKS,
President of the Senate.

Assented to, Dec. 22, 1827.

JOHN FORSYTH, Governor.

AN ACT to amend An Act entitled An Act to incorporate Philomathice Academy, and to appoint other Commissioners therein named.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That Wiley Thompson, John A. Heard, Jephtha V. Harris, Thomas Jones, and Richard Fortson be, and they are hereby appointed Trustees of Elbert county academy.

Sec. 2. And be it further enacted, That from and after the passing of this act, whenever any vacancy may happen in said board of trustees, it shall and may be lawful for the remaining trustees, together with their secretary, or a majority of them, immediately to proceed to fill such vacancy.

Sec. 3. And be it further enacted, That so much of the 5th section of the before recited act as militates against this act, be and the same is hereby repealed.

IRBY HUDSON,

Speaker of the House of Representatives.

THOMAS STOCKS,

President of the Senate.

Assented to, 19th Dec. 1827.

JOHN FORSYTH, Governor.

AN ACT to authorise the Commissioners of the Washington County Academy, to raise by lottery, the sum of ten thousand dollars, for the promotion of said academy.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That the Commissioners of the Washington County Academy, that is to say, Frederick Oullens, Silas Floid, Velay S. Townsly, Franklin Rutherford, Wiley W. Cullins, John M'Oray, Morgan Brown, Philip T. Schley, and Isham H. Saffold, and their successors in office, or a majority of them, be, and they are hereby authorised to

raise by lottery, the sum of ten thousand dollars for the benefit of said academy.

Sec. 2. And be it further enacted by the authority aforesaid, That the aforesaid Commissioners, or a majority of them, and their successors in office, or a majority of them, are hereby appointed Commissioners to superintend and conduct said lottery; and the said Commissioners, or a majority of them, are hereby authorised to divide said lottery into as many separate schemes or drawings, as in their judgment, shall best promote the interest of said academy; and all sums of money which shall or may be raised under or by virtue of this act by said Commissioners, after defraying the expenses of said lottery, shall be by said Commissioners applied to, and for the use of said academy; any law to the contrary notwithstanding.

IRBY HUDSON,

Speaker of the House of Representatives.

THOMAS STOCKS,

President of the Senate.

Assented to, Dec. 19, 1826.

JOHN FORSYTH, Governor.

AN ACT to incorporate Amsden Academy on Williams' creek in the county of Warren, and to appoint Trustees for the same.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That Solomon Locket, Thomas Persons, Joseph Hill, Henry Heath, Jethro Darden, Reuben Rogers, and Edwin Baker, be and they are hereby declared to be a body corporate, by the name and style of the trustees of the Amsden academy in Warren county, with the privileges of using a common seal.

Sec. 2. And be it further enacted, That the aforesaid trustees and their successors in office, or a majority of them, are hereby authorised and empowered to appropriate in a manner they may think best calculated to promote the interest of the aforesaid institution, and to erect a suitable edifice for the promotion of literature, all moneys and specialties belonging, or in any wise appertaining to said institution.

Sec. 3. *And be it further enacted*, That the aforesaid trustees and their successors in office, or a majority of them, are hereby authorised and empowered to make such bye-laws and regulations as they or a majority of them may deem necessary for the government of said academy—*Provided*, such bye-laws and regulations be not repugnant to the constitution and laws of this State; and that they be intrusted with all manner of property, both real and personal, all donations, gifts, grants, privileges, and immunities by virtue of this act, or which may hereafter be made, conveyed, or transferred to them, or their successors in office, to have and to hold the same for the use aforesaid.

Sec. 4. *And be it further enacted*, That the trustees aforesaid and their successors in office, shall be capable of suing and being sued, plead and being impleaded, and of using all necessary and lawful means for securing and defending the property, debts, or demands, in right of said institution.

Sec. 5. *And be it further enacted*, That should any vacancy happen by death, resignation, or otherwise, in the board of trustees, the remaining trustees or a majority of them, shall fill such vacancy as they in their wisdom may think proper.

Sec. 6. *And be it further enacted*, That the aforesaid trustees are vested with the privilege of electing a treasurer, who shall give bond with approved security to the said board of trustees for the time being, and their successors in office, in whatever sum they may deem advisable for the faithful discharge of the duties reposed in him.

Sec. 7. *And be it further enacted*, That nothing in this act shall be so construed, as to dissolve the affiliative relation between said institution and the Senatus Academicus of this state; but the same shall be construed as amenable to, and entitled to participate in all the advantages now by law derived from the same.

Sec. 8. *And be it further enacted*, That all laws militating against the provisions of this act, be and they are hereby repealed.

IRBY HUDSON,

Speaker of the House of Representatives.

THOMAS STOCKS,

President of the Senate.

Assented to, 18th Dec. 1827.

JOHN FORSYTH, Governor.

Acts 1827.

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AN ACT to incorporate the Lafayette Hall Academy in the county of Greene.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That Thomas Winston, Lodowick Alfred, John Park, Julius O. Alfred, and William F. Walker, are appointed, and they & their successors in office shall be and they are hereby declared to be a body corporate by the name and style of the Trustees of the Lafayette Hall Academy in the county of Greene, and as such body politic, shall be capable of suing and being sued, and of doing other acts which may be necessary to the execution of the trust confided in them, and for that purpose they may have and use a common seal, appoint such officers as they may think proper, and remove them for misconduct or neglect of duty.

Sec. 2. And be it further enacted by the authority aforesaid, That the trustees shall be capable of receiving and holding all manner of property both real and personal, and all bequeaths, gifts and donations, privileges and immunities whatsoever, which may belong to said institution, or which may hereafter be made or transferred to them or their successors in office, are hereby authorised to make such bye laws and regulations, as they may deem expedient; Provided, such bye laws and regulations be not repugnant to the constitution and laws of this State, or of the United States.

Sec. 3. And be it further enacted by the authority aforesaid, That should any vacancy happen by death, resignation, or otherwise, of the Trustees of the Lafayette Hall Academy hereby established, it shall be the duty of the remaining trustees to fill such vacancy; Provided, the remaining trustees consist of a majority of the whole board; and in case there should not be a majority as aforesaid, such vacancy or vacancies shall be filled by the Inferior Court of said county.

Sec. 4. And be it further enacted, That nothing in this act shall be so construed, as to dissolve the affiliative relations between said institution and the Senatus Academicus of this State; the same shall be construed as amendable

to, and entitled to participate in all the advantages now by law derived from the same.

IRBY HUDSON,

Speaker of the House of Representatives.

THOMAS STOCKS,

President of the Senate.

Assented to, Dec. 21, 1827.

JOHN FORSYTH, Governor.

AN ACT to lay off the county of Jackson into school districts, and to vest the free school and academy funds in certain Commissioners to be appointed for said districts, and to incorporate the same.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passage of this act the county of Jackson shall be divided into eleven school districts, and the said districts shall have the same limits of and be distinguished by the present Captains districts in said county.

Sec. 2. And be it further enacted, That each district aforesaid shall have five Commissioners appointed in the following order: in Capt. Gathings' district, Joseph Davis, Thomas Neblack and Augustus J. Brown, shall act in concert with those already appointed in said district, and when their number shall be reduced under five, that number shall be supplied in such manner as shall be hereinafter named; in Captain Stonys, Joseph T. Cunningham, Henry Johnson, James Price, Thomas Brooks and Samuel Knox; in Captain Bowens' district, James Sisson, John Carmical, Simeon Culpepper, Francis Baity, and Alexander Batchelor; in Captain Burns' district, Shadrick Hogan, James Hampton, John Wilson, Ambrose Yarborough, and William Jegg; in Captain Rogers' district, John Borders, Claiborne Smith, Thomas C. Barro, Jesse Harris and John Stovall; in Captain Staples' district, John G. Pitman, James Smith, Thomas Johnson, John W. Glenn, and Russel Jones; in Captain Thomas' district, John Williamson, William Potts, Robert E. Hampton, James Montgomery and William Orr; in

Captain Patre district, William Parks, Baler Moon, Levi Lowry, James R. McCluskey, and Asa Varnum; in Captain Georges district, John Leavy, Joseph Landrum, Richard Penticost, Green Stead and Elijah Lay; in Captain Camps district, Beriman Camp, Peter McMullin, Robert Kirkham, Dilmus Lile, and Jonathan Betts; in Captain Venables district, Truman Kellog, Robert Venable, John Randolph, Charles Price and Jacob Brasetton, Jr. and if either of said Trustees should refuse to accept his appointment or resign after having accepted the same, his vacancy shall be filled by a majority of the remaining Trustees of the district to which he belonged.

Sec. 3. *And be it further enacted,* That said Trustees shall in their respective districts, organise and establish one or more schools, as a majority of them in their discretion think proper for the education of poor children, and said Trustees from all the districts or a majority of them, shall meet at the court house in the county aforesaid annually, on the second Monday in January, for the purpose of electing a Treasurer, whose duty it shall be to give bond and security in such sum as said Trustees may think necessary for the faithful performance of such duties as may be prescribed by said Trustees, and said Trustees shall have power to regulate and prescribe the manner in which the funds in his hands shall be kept and paid out, and said Trustees at the meeting aforesaid in each year, after having elected their Treasurer as aforesaid, shall cause a full return to be made to the Senatus Academicus including a fair statement of the receipts and expenditures of the funds in each district, as well for the Academies in said county, the number of scholars, designating their ages and sexes, educated in each district, as also at the Academies in said county, the state and condition of the Academies, the number of scholars both male and female, and such other information as they may think proper.

Sec. 4. *And be it further enacted,* That the academy and poor school funds to which said county is now or may hereafter be entitled, shall be equally divided between the Trustees of each district as aforesaid, and the poor school funds shall be exclusively applied to the education of poor children in the several districts aforesaid, and the academy funds shall be applied to such incorporated academies, male and female in said county, providing for

teachers or houses for the same, as a majority of all the Trustees of the several districts may think proper.

Sec. 5. *And be it further enacted*, That the person or persons in whose hands any of the academy or poor school funds belonging to said county may now be or may hereafter come into their possession, shall be bound to deliver and pay over the same to the Trustees in pursuance of this act, and in case such person or persons shall refuse or fail to do the same, said Treasurer shall have right to sue said person in his own name for the use of said Trustees for such withheld funds, and said action shall proceed without any other requisite than a certificate of his election from a majority of said Trustees.

Sec. 6. *And be it further enacted*, That the Treasurer aforesaid shall keep a fair book of record of all his proceedings of the academy and poor school funds, subject to the inspection of the Trustees aforesaid or any one of them whenever called on.

IRBY HUDSON,

Speaker of the House of Representatives.

THOMAS STOCKS,

President of the Senate.

Assented to, Dec. 19, 1827.

JOHN FORSYTH, Governor.

AN ACT to appoint Trustees for the Poor School fund in the county of Irwin.

Beit enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That Isaac Stephens, Jacob Young, William Bradford, Daniel McDuffie, and Nathaniel Gornto be appointed trustees of the poor school fund for the county aforesaid, with full power to receive of the commissioners or trustees of the academy of the county aforesaid, and from the treasury of the State, money now belonging to, or hereafter to belong to the poor school and academical funds of said county, and that the said Isaac Stephens, Jacob Young, William Bradford, Daniel McDuffie and Nathaniel Gornto and their successors in office, are hereby declared to be a body corporate, under the name and style

aforesaid, to hold property and choses in action of all kind.

Sec. 2. *And be it further enacted*, That the trustees aforesaid shall appoint a treasurer, who shall not be one of the trustees aforesaid, and who shall give bond to the trustees aforesaid and their successors in office, in a sufficient sum to secure the amount to be placed in his hands, for the faithful performance of the trust reposed in him.

Sec. 3. *And be it further enacted*, That the children entitled to the benefit of the poor school fund of this State by an act to alter and amend an act passed the twenty-third day of December, eighteen hundred and twenty-two, to distribute the bank dividend and other net proceeds of the poor school fund amongst the different counties in this State, shall receive the benefits of this fund according to the manner pointed out in said act, so far as it does not militate against this act.

Sec. 4. *And be it further enacted*, That when any vacancy shall occur by death, resignation or removal without the county, of any of the trustees of said poor school fund, the same shall be filled by the remaining trustees: *Provided*, That a majority of the votes of all the trustees for the time-being, shall be necessary to constitute a choice any law to the contrary notwithstanding.

IRBY HUDSON,
Speaker of the House of Representatives;
THOMAS STOCKS,
President of the Senate

Assented to, Dec. 19, 1827.

JOHN FORSYTH, Governor.

AN ACT to incorporate the Locust Grove Academy Warren county, and to appoint trustees for the same.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met and it is hereby enacted by the authority of the same That from and immediately after the passage of this act the academy in the county aforesaid, shall be known and styled by the name of Locust Grove Academy, and that Ignatius Semmes, William R. Luckett, William Darden, Gustus Luckett, and Selvester Luckett, and their successors in office, be and they are hereby declared

be a body politic and corporate, by the name and style of the Trustees of the Locust Grove Academy, and as such shall be capable and liable in law to sue and be sued, plead and be impleaded, and shall be authorised to make such bye-laws and regulations as may be necessary for the government of said academy: *Provided* such bye-laws are not repugnant to the constitution and laws of this State, and for that purpose may have and use a common seal, appoint such officers as they may think proper, and remove the same from office for improper conduct or neglect of duty.

Sec. 2. And be it further enacted by the authority aforesaid, That the said Trustees shall be capable of accepting and being invested with all manner of property, real and personal, all donations, gifts, grants, privileges and immunities whatsoever, which may belong to said institution, or which may hereafter be conveyed or transferred or conveyed to them or their successors in office, to have and to hold the same for the proper use, benefit, and behoof of said academy.

Sec. 3: And be it further enacted by the authority aforesaid, That when any vacancy may happen by death, resignation, or otherwise, of any of the trustees of said academy, the survivors or a majority of said Trustees shall fill the same, in such manner as may be pointed out in the bye-laws and regulations of the trustees aforesaid: *Provided,* That nothing in this act contained shall operate to destroy or in anywise impair the superintendence and control given by law to the Senatus Academicus of the State, over public schools instituted or supported by public monies or funds of the same.

IRBY HUDSON,

Speaker of the House of Representatives.

THOMAS STOCKS,

President of the Senate.

Assented to, Dec. 19, 1827.

JOHN FORSYTH, Governor.

AN ACT to amend the second section of An Act, to alter and amend an act passed the twenty-third day of December, eighteen hundred and twenty-two, to distribute the Bank Dividends and other nett proceeds of the poor school fund amongst the different counties in this state, so far as respects the county of Jones.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That from and immediately after the passing of this act, that the following named persons, to-wit: John R. Moore, Peter Northern, Anderson Rice, William S. Middlebrooks, and Peter Clower, Esquires, or a majority of them, shall constitute and form the board of trustees of the poor school fund for the county of Jones, which persons shall give to his Excellency the Governor, bond and security in the penal sum of six hundred dollars each, and also take and subscribe before any one of the Justices of the Inferior court, the following oath, :—I, A. B. do solemnly swear, that I will, to the best of my ability, distribute whatever monies may come into my hands, in such manner as, in my opinion, will most conduce to the education of the poor children in my county, and make a true return thereof agreeably to the provisions of this act—So help me God. Which oath shall be signed by the party, and entered on the minutes of the Inferior court.

Sec. 2 *And be it further enacted, That the trustees as aforesaid, shall hold their offices during good behaviour, and a majority of them shall be competent to the transaction of business; and should vacancies happen in said board by resignation, death, or refusal to do their duty as trustees, a majority of the board shall have power to remove and appoint others in their place.*

Sec. 3. *And be it further enacted, That the trustees appointed by the first section of this act, and their successors, when sworn, shall, and they are hereby authorised to draw on his Excellency the Governor for the time being, for the amount of money which their county may be entitled to, in conformity to the provisions of the first section of the act of which this is amendatory; and his Ex-*

tellency the Governor shall be, and he is hereby authorised and required to draw his warrant on the treasury for any sum which may be now due and undrawn, or which may hereafter become due to said county.

Sec. 4. *And be it further enacted*, That the trustees as aforesaid, shall have the power of selecting the objects of this law in their county, and to apportion and distribute the funds as in their judgment will be most effectual in carrying the objects of this law into effect; and in order to do so, shall appoint in each captain's district, a sub-trustee, whose duty it shall be to report without delay to the trustees, the number, names, and situation of the poor children in the district, and under the direction of the board, contract for and superintend the education of such children as the board shall agree to educate: *Provided*, That the person whose application may be refused by the sub-trustee, shall have the right of appeal to the board of trustees; and the board of trustees, or a majority of them, are hereby required to visit the school or schools where such poor children are or may be in a course of instruction, at least twice a year, and to require the sub-trustee of any school to report to the board as often as they may deem requisite, the condition of the school or schools, the progress of instruction and morals of the children.

Sec. 5. *And be it further enacted*, That the trustees shall purchase a good and sufficient bound book, to be paid for out of the poor school fund, for the purpose of registering all their proceedings, and shall make an annual return thereof to the *Senatus Academicus*, by the senator elect from their county.

Sec. 6. *And be it further enacted*, That his Excellency the Governor be, and he is hereby required to transmit to the Justices of the Inferior court in each county in this state, a dedimus to be sworn and subscribed to before them, and also blank bonds; which dedimus and bonds when executed agreeably to the requisitions of this act, shall be deposited in the clerk's office of the superior court; and in case a breach or violation of the duty enjoined by this act by any trustee, may be sued by the Inferior court of said county, and the amount recovered thereon shall, after defraying necessary expenses, go to and become a part of the poor school fund of said county.

Sec. 7. And be it further enacted; That so much of the act of which this is amendatory, as militates against this act, be and the same is hereby repealed.

IRBY HUDSON,

Speaker of the House of Representatives:

THOMAS STOCKS,

President of the Senate.

Assented to, Dec. 18, 1827.

JOHN FORSYTH, Governor

AN ACT to authorise the Trustees of Clinton Academy in the county of Jones, to raise by Lottery the sum of five thousand dollars, for the benefit of said academy.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by authority of the same, That the Trustees of Clinton Academy in the county of Jones, and their successors, in office, be and they are hereby authorised to raise by lottery, a sum not exceeding five thousand dollars, for the benefit of said academy.

*Sec. 2. And be it further enacted, That Robert Harde-
man, Samuel Lowther, John Hervey, John Spier, James
Billingslea, and James George, esquires, or a majority of
them, be and they are hereby appointed commissioners to
superintend and conduct said lottery; and the said commis-
sioners are hereby authorised and empowered to divide said
lottery into as many separate schemes or drawings as in
their judgment shall best suit the interests of said academy
and any sum or sums of money which may be raised by said
commissioners under and by virtue of this act, after de-
ducting the necessary expenses of said lottery, shall be by
them paid over to the trustees of said academy for the use
and benefit thereof.*

IRBY HUDSON,

Speaker of the House of Representatives:

THOMAS STOCKS,

President of the Senate

Assented to Dec. 22, 1827.

JOHN FORSYTH, Governor.

AN ACT to incorporate Cicero Academy, in Monroe county.

*Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That from and immediately after the passage of this act, the academy in Monroe county, now known by the name of Cicero Academy, shall be known and called by that name; and that Alfred B. Reid, John Pitman, John Driver, Ashberry Cawles, and Robert Middlebrooks, and their successors in office, be and they are hereby declared to be a body politic and incorporate by the name and style of the Trustees of Cicero Academy, and as such shall be capable and liable in law to sue and be sued, plead and be impleaded, and shall be authorised to make such bye-laws and regulations as may be necessary for the government of said academy: *Provided*, such bye-laws are not repugnant to the constitution or laws of this state, and for that purpose may have and use a common seal, and appoint such officers as they may think proper, and remove the same from office.*

Sec. 2. *And be it further enacted*, That the said Trustees shall be capable of accepting and being invested with all manner of property, real and personal, all donations, gifts, grants, privileges, and immunities whatsoever, which may belong to the said institution, or which may hereafter be conveyed or transferred to them and their successors in office, to have and to hold the same for the proper benefit and behoof of the said academy.

Sec. 3. *And be it further enacted*, That when any vacancy shall happen, by death, resignation, or otherwise of any one or more of the trustees of said academy, the survivors, or a majority of them, shall fill the same in such manner as may be pointed out by the bye-laws and regulations of the Trustees aforesaid.

IRBY HUDSON,

Speaker of the House of Representatives.

THOMAS STOCKS,

President of the Senate.

Assented to Dec. 19, 1827.

JOHN FORSYTH, Governor.

AN ACT to add a certain number of Trustees to the Lawrenceville Academy, in the county of Gwinnett.

Be it enacted by the senate and house of representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That the following persons shall be added to and become trustees in addition to those already in office, of the Lawrenceville Academy, in the county of Gwinnett, to-wit. Thomas W. Alexander, John Mills of Lawrenceville, Charles W. Rawson, William Wardlaw, William Knox, Moses Liddle, Richard Say, and Shadrack Bogan.

Sec. 2. *And be it further enacted,* That no vacancies in said board shall be filled until the present number of trustees shall be reduced under the number seven, and then and in that case the provision in the acts of incorporation of said academy shall operate to fill and supply all vacancies up to that number and no more.

IRBY HUDSON,

Speaker of the House of Representatives.

THOMAS STOCKS,

President of the Senate.

Assented to Dec. 22, 1827.

JOHN FORSYTH, Governor.

AN ACT to incorporate the Pleasant Grove Academy, in the county of Henry, and to appoint Trustees for the same.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That Garry Grice, Cornelius McCarty, William Griffin, John W. Poyner, William Ellis, Woodson Hubbard, and Henry J. Williams, be and they are hereby appointed Trustees, they or their successors in office shall be and are hereby declared to be a body corporate by the name of the Trustees of Pleasant Grove Academy, with the privilege of using a common seal.

Sec. 2. And be it further enacted, That the said Trustees and their successors in office, or a majority of them, are hereby authorised and empowered to appropriate in the manner they may think best calculated to promote the interest of the aforesaid institution, and to erect suitable edifices for the promotion of literature, all money and specialties; or other valuable effects whatsoever belonging to or in anywise appertaining to the said institution.

Sec. 3. And be it further enacted, That the aforesaid trustees and their successors in office, or a majority of them are hereby authorised to make such bye-laws and regulations as may be necessary for the government of said academy: *Provided,* such bye-laws and regulations be not repugnant to the constitution and laws of this state; and the said trustees shall be intrusted with all manner of property, both real and personal, all donations, grants, gifts, privileges and immunities whatsoever, which may belong to said institution by virtue of this act, or which may hereafter be made, conveyed, or transferred to them or their successors in office, to have and to hold the same: *Provided;* that nothing in this act contained shall operate to impair or destroy in anywise, the superintendence and control given by law to the Senatus Academicus of this state, over the public schools instituted or supported by public monies or funds of the same.

Sec. 4. And be it further enacted, That the trustees aforesaid, and their successors in office, shall and they are hereby declared to be capable of using all other necessary and lawful means for securing and defending any property debts, or demands whatsoever which they may claim or demand in right of said institution.

Sec. 5. And be it further enacted, That should any vacancy happen, by death, resignation, removal or otherwise, of any of the trustees of said academy hereby authorised and established, it shall be filled in such manner as a majority of the remaining trustees may point out in their regulations at their first meeting after the passing of this act, or at any meeting thereafter: *Provided,* that it shall be the duty of said trustees to cause the same to be filled.

Appropriation.

AN ACT to appropriate monies for the support of Government for the political year eighteen hundred and twenty-eight.

Be it enacted by the senate and house of representatives of the state of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That the following sums of money be and the same are hereby appropriated for the political year eighteen hundred and twenty-eight, viz:

The salary of his Excellency the Governor shall be three thousand dollars per annum.

The Secretaries of the Governor, not exceeding three, one thousand dollars each per annum.

The secretary of state, two thousand dollars.

The treasurer, two thousand dollars.

The surveyor-general, two thousand dollars.

The comptroller-general, two thousand dollars.

The clerk of the house of representatives, and secretary of senate, six hundred dollars each.

Provided, That no warrant shall issue for the first quarter's salary of the secretary of the senate and clerk of the house of representatives, until the executive shall have satisfactory evidence that the said secretary of the senate and clerk of the house of representatives have respectively made or caused to be made and attached to the journals of the present session, good and sufficient indexes.

The Judges of the superior courts, twenty-one hundred dollars each.

The attorney-general and seven solicitors-general, two hundred and twenty-five dollars each.

For three inspectors of the Penitentiary, not exceeding two hundred and twenty-four dollars each.

Appropriation.

Which several sums shall be and they are hereby appropriated for their use, to be paid quarter yearly by warrant from the Governor on the treasurer, out of any money not specially appropriated.

Sec. 2. *And be it further enacted*, That for defraying the expences of the Penitentiary, a sum not exceeding five thousand dollars be and the same is hereby appropriated.

And for a printing fund not exceeding twenty thousand dollars.

And the sum of twenty thousand dollars be and the same is hereby appropriated and set apart as a contingent fund, subject to the orders of the Governor during the political year eighteen hundred and twenty-eight.

Sec. 3. *And be it further enacted*, That for the compensation of the members of the Legislature, four dollars each per day during their attendance be appropriated, and the sum of four dollars for every twenty miles in coming to and returning from the seat of government.

And the sum of six dollars each per day to the president of the senate and speaker of the house of representatives, during their attendance, and the sum of four dollars for every twenty miles in coming to and returning from the seat of government.

To the clerk of the house of representatives and secretary of the senate, during the session of the Legislature, six dollars each per day, and the sum of sixty dollars for contingent expenses each.

To the two engrossing clerks and an assistant clerk of the house of representatives, and two engrossing clerks in the senate, six dollars each per day.

To the clerk of the committee on finance one hundred dollars.

And the clerk of the committee on the state of the republic one hundred dollars.

And the clerk to the committee on agriculture and internal improvement, the judiciary, and public education and free schools, eighty dollars each.

To the messengers and door-keepers of the Legislature four dollars each per day during the session.

To R. A. Green the sum of one hundred dollars for airing, scouring, and taking care of the senate and representative chambers, and making fires on wet days.

To Peter Fair, jun. the sum of one hundred dollars for winding up the clock, keeping clean the stair-cases, passages, &c.

To Martin Simmons, for services as cryer to the commissioners appointed to sell lots in Macon, for the years eighteen hundred and twenty-six, and seven, the sum of twenty-five dollars.

Eighteen dollars to Messrs. Rose & Slade for publishing the laws regulating peddlars and itinerant traders.

To Gen. Charles Phillips two hundred and eighty-five dollars and fifty cents for laying out and marking a number of lots in the town of Macon, and making out three general plans, and three sets of field notes of said survey, and returning the same under the direction of the commissioners of the town of Macon.

To Lucius Q. C. Lamar and Richard K. Hines, two thousand dollars, for ascertaining the amount of balances due by solicitors and other officers, in the Ocmulgee Circuit, for fractions, &c.

The sum of twenty thousand dollars for the enlargement of the state-house, subject to the order of the Governor, agreeably to a concurred resolution.

The sum of two thousand dollars for repairing and furnishing the government house, agreeably to a concurred resolution.

To Abner Bartlett, the sum of two hundred and forty-two dollars and fifty cents, agreeably to a concurred resolution.

To Spencer Phillips, the sum of twenty four dollars and fifty cents, agreeably to a concurred resolution.

The sum of one hundred and thirty-eight dollars seventy six and a half cents, to Benjamin F. Harris, solicitor-general of the Flint Circuit, agreeably to a concurred resolution.

To the assistant engrossing clerks employed by the secretary of senate and clerk of the house of representative by direction of the general assembly, six dollars each per day while in service.

To James Kindrick the sum of four hundred and eighty seven dollars for surveying the sixteenth district of Carroll and for his expences in being prevented by the Indians in surveying the twelfth district of Carroll.

To William Ashley, jun. in full for his services in examining the tenth district of Irwin, under an Executive appointment, six hundred and ninety-two dollars.

To Elijah Lyne, of Burke county, two hundred dollars to reimburse the loss of a compass, and extra expenses incurred by reason of the hostile interruption of the Creek Indians, in the month of May, 1827, whilst he was engaged west of the Chattahoochie as a surveyor of the public lands of this state.

The sum of one hundred and forty dollars and twenty-five cents to James A. Rogers to cover his expenses whilst he was prevented by the Indians from the duties of his office as surveyor of the ninth district of Carrol county.

To Absolom Holcombe surveyor of the eighth district of Carrol county, twenty-two dollars for his expenses occasioned by being stopped by the Indians from his survey.

The sum of two hundred dollars as a compensation to the armorer for cleaning four hundred stand of muskets, collected from different parts of the state, together with swords, pistols, &c..

The sum of nine hundred and forty-nine dollars to Rufus K. Evans for repairing the Macon bridge.

To William Triplett, late comptroller-general, for his services in making out an inventory of the books, bonds, notes, &c. in the comptroller's office, four hundred dollars.

To Peter Flournoy for partitioning lot number one hundred and forty-two in the fifth district of Monroe county, five dollars.

To John McTyre two hundred and eighty-seven dollars agreeable to the report of the committee on finance, and concurred in by both branches of the legislature.

To each of the witnesses three dollars a day who attended under subpoenas on the charges preferred in the house of representatives against the honorable Moses Fort, Judge of the southern circuit, and testified before the committee. That the sum of three dollars be paid each of the said witnesses for every twenty miles they have travelled in going to and returning from the seat of government for that purpose; also the sum of three dollars for every twenty miles travelled be allowed and paid to the messengers who may have been employed in summoning witnesses on the aforesaid charges---And to the messenger who attended the said committee three dollars per day.

To the clerk appointed by the special committee to examine into the charges exhibited against Judge Fort, six dollars per day during the time he was so employed, subject to approval of the examining committee.

To the commissioners of the late land lottery, five dollars per day each.

And to the clerks employed in the said lottery, five dollars a day each, agreeable to a concurred resolution of both branches of the legislature.

And to Henry Darnal the sum of five dollars per day, for his services as door-keeper to the commissioners of the late land lottery.

To Daniel Newnan, late secretary of state, seventy-six dollars and fifty cents.

To Carlton Wellborn, late surveyor-general, sixty-three dollars and seventy-five cents.

To James Bozeman, late treasurer, twelve dollars and seventy cents.

And to William Triplett, late comptroller, twelve dollars and seventy-five cents, for issuing fifty-one grants for fractional surveys, sold by the sheriffs of Walton, Gwinnett, Hall, Habersham, and Rabun, under an act of eighteen hundred and twenty-three.

SEC. 4. *And be it further enacted by the authority aforesaid,* That the sum of five hundred and nineteen dollars and twenty-five cents be paid to Susan Sturges as the widow and representative of Daniel Sturges, deceased, which shall be in full satisfaction for all services by him rendered to the state of Georgia; and also in full satisfaction for the reduction of his fees upon grants under the act of eighteen hundred and twenty-one; which said sum when so paid, is to be subject to the legal claims of the heirs or creditors of the said Daniel Sturges.

IRBY HUDSON,

Speaker of the House of Representatives.

THOMAS STOCKS,

President of the Senate.

Assented to Dec. 24, 1827.

JOHN FORSTH, Governor.

Banks.

AN ACT to incorporate the Savings Bank of Augusta.

Whereas a number of the citizens of Augusta and its neighborhood, under the title of "The Augusta Savings Bank," have voluntarily associated themselves as a society for the sole purpose of receiving and investing in public stock and substantial security on real estate or otherwise, such sums as may be deposited by individuals, and of affording to them the advantages of security and interest: And whereas the members of this society by their memorial to the Legislature have prayed to be perpetuated and brought into legal existence by being incorporated and established by law, with perpetual succession, for the purposes of receiving, holding, and improving in such way as to them may seem proper, all such real and personal estate as the said institution shall become possessed of or entitled to, by gift, grant, devise, bequest, purchase, deposit, loan and payment, for the purposes of the said institution—Therefore,

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That John Campbell, Thomas Cumming, Samuel Hale, Isaac Henry, Timothy Edwards, Edward F. Campbell, James Fraser, William W. Montgomery, Joseph Wheeler, Anderson Watkins, Asaph Waterman, Augustus Moore, Henry Cumming, John Howard, William H. Turpin, John Course, Richard Tubman, John Phinizy, George Twiggs, John Moore and James Harper, and their successors in office, for ever be, and they are hereby erected and made one body politic and corporate in deed and in law, by the name, style and title of "The Augusta Savings Bank," and by the same name shall constitute a board of appointment, having perpetual succession with power annually, on the second Monday of January in each and every year, to elect a board consisting of seven managers, for the regulation of the concerns of the said Savings Bank, and are hereby made able and

capable in law to have, purchase, receive, take, hold, possess, enjoy and retain to them and their successors, lands, rents, tenements, hereditaments, stock, goods, chattels and effects of what kind, nature or quality soever, whether real, personal or mixed, by gift, grant, demise, bargain and sale, devise, bequest, testament, legacy, loan, deposit or advance, or by any other mode of conveyance or transfer whatever, and the same to give, grant, bargain, sell, demise, convey, assure, transfer, alien, pay, release and dispose of, for the whole or any less estate or property than they have in the same, and also to improve and augment the same, in such manner and form as said society by their bye-laws and regulations shall order and direct and shall and may apply the same with the rents, issue, income, interest and profits of such estate, and the monies arising from the sale, alienation, disposal or employment thereof, to the uses, ends and purposes of their institution, according to the rules, regulations and orders of the society, now in force or which according to the provisions hereinafter made, shall from time to time be declared touching the same, as effectually and fully, as any person or body politic or corporate within this State, by the constitution and laws of this State, can do and perform. And the said institution, by the name, style and aforesaid, shall and may sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts of law within this State and elsewhere, and also make, have, and use a common seal, and the same break, alter and renew at their pleasure, and have power also to make, establish, ordain and put in execution such bye-laws, ordinances and regulations as to them or a majority of such quorum of them (as hereafter or shall hereafter be directed) seem, meet or convenient for the government of such corporation, not in contravention to the constitution and laws of this State, generally to do and execute all and singular such matters and things which to the said corporation shall may appertain and be necessary for the purposes the subject nevertheless to the rules, regulations, restrictions, limitations and provisions herein prescribed and declared.

Sec. 2. And be it further enacted by the authority aforesaid, That the following rules, limitations, and provisions

shall form and be fundamental articles of the constitution of the Corporation.

ARTICLE I.

The board of appointment shall have power each year to choose by ballot from its own body, a President and other officers at the time of their annual meeting on the second Monday of January, and also to fill all vacancies which may occur among them by death, resignation or otherwise, and at such meeting eleven members shall constitute a quorum.

ARTICLE II.

The Bank shall be conducted by seven managers, chosen annually by the board of appointment, who shall each and every year at such time as shall be designated in the bye-laws of the institution, choose from among its own body a President, and shall have power to appoint a secretary, treasurer, and such other officers as the business of the corporation may require, with such compensation as they may determine.

ARTICLE III.

The managers shall have power to fill up by ballot any vacancy which may occur in their own body or officers, two-thirds of the number present to agree to all removals and new appointments, and no appointment or removal to take place when a less number than five managers are present.

ARTICLE IV.

No President or Manager shall receive directly or indirectly any pay or emolument for his services.

ARTICLE V.

Deposits of not less than two dollars but of any larger sum shall be received.

ARTICLE VI.

On the first Monday of June and December in every year, if the funds of the institution shall warrant it, there shall be declared and paid a dividend on all sums which shall have been deposited, at such rate of interest as the board of managers shall direct, interest to be calculated only from the first day of January, April, July and October in each year, and not having relation to the time of deposit, provided deposits shall be made at any intermediate period between those dates, nor shall interest be allowed for fractional parts of a month.

ARTICLE VII.

The deposits and payments shall be regularly entered in the books of the office, and every person depositing money shall be furnished with a duplicate of his or her account, in which every deposit or payment shall be regularly entered as soon as made—no money shall be drawn out under five dollars unless to close an account, and all deposits shall be repaid when required, on giving two weeks notice.

ARTICLE VIII.

The managers shall meet at least once in every month, and five shall be a quorum, except in the months of July, August and September, when three members shall constitute a quorum for the transaction of business; the books, Treasurer's accounts and other documents shall be produced at such meetings.

ARTICLE IX.

The managers shall be at liberty at any time, to refuse deposits, and on giving one month's notice, to return such as have been made with interest thereon, to be calculated to that time and no longer.

ARTICLE X.

A report shall annually be prepared by three auditors, who shall not be managers or officers of the corporation, chosen by the board of appointment from their body or elsewhere, and such report shall be published in one or more of the Gazettes of the city of Augusta, and the managers shall annually transmit one copy of the said report to the Governor, and by him to be laid before the Legislature of the State of Georgia.

ARTICLE XI.

No manager, officer or agent of the Savings Bank, shall be allowed directly or indirectly, to borrow any money or monies from the said Bank, nor shall the said Bank have, hold or purchase any notes, bonds, mortgages or other securities for the payment of money drawn or endorsed by or existing against any manager, officer or agent of the said Savings Bank.

ARTICLE XII.

The officers elected pursuant to this act, shall be and continue in office until others are appointed, and no misnomer of the said corporation in any deed, testament or gift, grant, devise or other instrument, or other contract or conveyance, shall vitiate or defeat the same, if the said cor-

poration shall be sufficiently described, to ascertain the intent of the party or parties, to give, devise, bequeath, assure to or contract with the corporation hereby created by the name aforesaid—nor shall any of the uses of the said privileges hereby granted, create any forfeiture of the same, but such privileges may be exercised by the said corporation, notwithstanding any failure to meet at any of the times appointed herein, or that may be appointed by the bye-laws and ordinances of the said society, for the purpose of holding their annual or other meetings for elections or for other subjects for consideration—the officers then in office shall continue to hold and exercise their respective offices until others shall be duly elected to succeed them, at some future meeting of the said institution, which the said corporation is hereby authorised to hold for such purpose.

IRBY HUDSON,

Speaker of the House of Representatives.

THOMAS STOCKS,

President of the Senate.

Assented to, Dec. 18, 1827

JOHN FORSYTH, Governor.

AN ACT to incorporate the Augusta Insurance and Banking Company of the city of Augusta, and to repeal the act passed on the ninth day of December, eighteen hundred and twenty-two.

Be it enacted by the Senate and House of Representatives in General Assembly met, and it is hereby enacted by the authority of the same, That Peter Bennock, James Harper, John Bones, Charles Labuzan, Anderson Watkins, Edward J. Harden, W. W. Montgomery, Samuel Hale, and Abraham M. Woolsey, or any three or more of them, be and they are hereby constituted a board of commissioners, whose duty it shall be to open a book of subscription for shares in said company; which book shall be opened on the first Monday in February next, and shall continue open for twenty days, at such place and for so many hours each day as the said board of commissioners may determine on; during which time it shall be lawful for any person or persons, citizens of

this State, to subscribe for any number of shares not exceeding one hundred; and if the whole amount of capital hereinafter mentioned be not subscribed for, at the expiration of said twenty days, it shall then be lawful for any citizen or citizens, or for any corporation or body politic within this state, to subscribe for any number of shares remaining unsubscribed for.

Sec. 2. *And be it further enacted by the authority aforesaid,* That said board of commissioners shall give notice in the public newspapers of Augusta, at least one week before the opening of said book of subscription of the time and place of subscribing; and that said commissioners may require from each subscriber, a sum not exceeding five per cent. on the amount subscribed by him, her, or them, to be paid into the hands of said commissioners at the time of subscribing.

Sec. 3. *And be it further enacted by the authority aforesaid,* That the stockholders in said institution shall be, and they are hereby declared to be a body corporate and politic, under the name and style of the Augusta Insurance and Banking Company, and by that name and style may sue and be sued, plead and be impleaded, answer and be answered unto, in any court of law or equity in this state or elsewhere, having competent jurisdiction; and shall enjoy perpetual succession of officers and members; may have and use a common seal; may make, ordain, and establish such bye-laws, rules, and regulations, as they may deem expedient and necessary to carry into effect the objects of this institution; *Provided,* such bye-laws, rules, ordinances, and regulations, be not repugnant to the laws or constitution of this state, or the United States.

Sec. 4. *And be it further enacted by the authority aforesaid,* That the capital stock of said company shall not exceed five hundred thousand dollars, which shall be divided into shares of one hundred dollars; but the company may commence business as soon as one hundred thousand dollars shall have been paid in specie, or the notes of specie paying banks; and that upon the expiration of the said twenty days herein before allowed for subscribing, it shall be the duty of said commissioners to convene the stockholders or subscribers, by giving ten days notice in the public newspapers of Augusta, of the time and

place of meeting, who may then, or at any time thereafter, proceed to the election of a board of directors, under such rules and regulations as they may adopt for that purpose.

Sec. 5. *And be it further enacted by the authority aforesaid,* That the directors so appointed shall, at their first meeting thereafter, proceed to the appointment of a president from among their own body; and the said president and directors may appoint such officers under them, as they may deem necessary and expedient for carrying the provisions of this act into effect.

Sec. 2. *And be it further enacted by the authority aforesaid,* That the said company when organised as aforesaid, shall have full power and authority to insure property and effects of every nature & description, against losses by fire or water, and all other accidents, dangers, and casualties for which insurance companies are usually established, or to buy or sell life annuities.

Sec. 7. *And be it further enacted by the authority aforesaid,* That said company shall be bound to pay all losses on property or other assurances made by them, within six months after the happening thereof. And in all cases where the claimant shall be compelled to institute a suit for the recovery of such losses, the same shall stand in order for trial at the first term, and the amount recovered shall be on interest from and after the expiration of the said six months; and if the said company shall neglect or refuse to pay such losses within the said six months, where there is no dispute as to the amount claimed, or within ten days after final recovery against them in cases disputed, then, and in such event, this charter may be declared null and void.

Sec. 8 *And be it further enacted by the authority aforesaid,* That the said company shall have power to receive, hold, purchase, and possess any property real or personal for the use, benefit, or advantage of the said corporation, and to sell and dispose of the same; and they are hereby declared to be vested with all the powers, advantages, privileges, and emoluments of an association of persons incorporated for the intentions and purposes aforesaid.

Sec. 3. *And be it further enacted by the authority aforesaid,* That the said corporation shall and may continue for and during the term of thirty years from the passage of

this act, unless the same should be forfeited according to the provisions thereof.

Sec. 10. *And be it further enacted by the authority aforesaid,* That said company shall be permitted, and they are hereby authorised, to issue bills or notes of credit, payable to bearer on demand, signed by the President, and countersigned or attested by the Cashier, to the amount of the capital stock paid in; *Provided,* that no bills of credit shall be issued as aforesaid, unless by consent of the owners of three-fifths of the stock of said company.

Sec. 11. *And be it further enacted by the authority aforesaid,* That all bills or notes of credit issued as aforesaid shall be paid on demand at the company's office.

Sec. 12. *And be it further enacted,* That an act entitled an act, to incorporate the Georgia Mutual Insurance Company, and to repeal the act heretofore passed for that purpose, which was assented to on the 9th day of December, 1822, be and the same is hereby repealed.

IRBY HUBSON,

Speaker of the House of Representatives,

THOMAS STOCKS,

President of the Senate,

Assented to, Dec. 26, 1827.

JOHN FORSYTH, Governor,

AN ACT to amend an act entitled an act to amend an act, entitled an act to establish and incorporate an Insurance Company in the City of Savannah; to be called the Marine and Fire Insurance Company of the City of Savannah, and to grant banking powers to the same; passed on the twentieth of December, eighteen hundred and twenty-five---And also to regulate intercourse between the several chartered banks and branch banks in this state, so far as relates to demand of payment from one another of the notes issued by them respectively.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That if the said Marine and Fire Insurance Bank of the state of Georgia shall at any time refuse or neglect to pay and re-

deem any of its notes or bills, when payment thereof shall have been demanded of the said bank through its proper officer, that then and in such case the persons and property of all and every persons or person, who shall or may be stockholders in the said bank at the time when such demand shall have been made, shall be liable and bound to the extent of the value of the share or shares of the stock so held by such persons or person, for the eventual payment and redemption of the notes or bills of the said bank which it shall neglect or refuse to pay in manner aforesaid.

Sec. 2. *And be it further enacted by the authority aforesaid,* That when any demand shall be made upon the said Marine and Fire Insurance Bank of the state of Georgia, by any other bank, to redeem any one or more of its bank bills or notes, in terms of the fourth section of the aforesaid in part recited act, that it shall and may be lawful for the said Marine and Fire Insurance Bank to tender in payment to such other bank its own notes and bills, which tender shall relieve the said Marine and Fire Insurance Bank of the state of Georgia from the penalties and forfeitures mentioned in the said fourth section of the said in part recited act.

Sec. 3. *And be it further enacted by the authority aforesaid,* That if any persons or person, copartnership, or body politic, shall at any time hereafter refuse or neglect to pay into the said bank any instalment of the amount due by such persons or person, copartnership, or body politic, on the stock held or owned by such persons or person, copartnership, or body politic, the shares or share upon which such failure shall happen or accrue, shall be forfeited to the use of the said bank, and may be again sold and disposed of for the use and benefit thereof: *Provided,* that sixty days previous notice of the time within which, and the place where such payment is required to be made, be published in at least one public gazette of Savannah, Augusta and Milledgeville.

Sec. 4. *And be it enacted by the authority aforesaid,* That dividends of the profits of the said bank, or of so much thereof as shall be deemed expedient and proper, shall be declared and paid half yearly; and the said dividends shall from time to time be determined by a majority of the directors, at a meeting to be held for that purpose, and shall in no case exceed the amount of the net profits

actually acquired by the Company, so that the capital stock thereof shall never be impaired by dividends.

Sec. 5. *And be it further enacted*, That whenever any chartered bank, or the branch of any chartered bank, of this state, by its officer, agent, or other person, shall demand payment of the notes of any other chartered bank, or of the notes of any branch of any chartered bank, it shall be lawful for the bank or branch bank of which payment may be demanded, to redeem its notes with, and tender in payment of the same, the notes of the bank or branch bank making the demand; and if the bank or branch bank making the demand, shall refuse to receive its own notes in payment of the notes of the bank or branch bank on which the demand may be made, it shall not be lawful for the bank or branch bank so refusing to receive its own notes in payment, to recover from the bank or branch bank making the tender of them, interest upon the amount of the notes for the payment of which it refused its own notes, or cost of suit: *Provided nevertheless*, that if the payment of the notes of any chartered bank, or branch of any chartered bank of this state, shall be made by the branch of any other chartered bank of this state, the branch making the demand shall not be compelled to receive in payment any notes but such as are made payable at the branch bank making the demand, and for refusal to receive any other than the notes liable to be redeemed by it, the principal bank of which it is a branch shall not incur the penalty herein before prescribed---And provided further, that nothing herein contained shall be construed to extend to any individual making demand of any bank or branch bank for payment of its notes; but if the cashier of any bank or branch bank shall suspect that any individual is demanding payment of its notes, and that the same belong to another bank or branch bank, then the cashier may refuse payment until affidavit be made by the person making the demand, that the note or notes presented by him for payment, is not the property of any bank or branch bank, but his own, or of some individual for whom he is agent.

Sec. 6. *And be it further enacted*, That the benefits intended by this act shall not extend to any bank having a branch or branches, unless the notes issued by its branch or branches shall express in the face of them that they will be paid at the branch from which they issue.

Sec. 7. *And be it further enacted by the authority aforesaid,* That all acts or parts of acts militating against the provisions of this act, be and the same are hereby repealed.

IRBY HUDSON,
Speaker of the House of Representatives.
THOMAS STOCKS,
President of the Senate,

Assented to, Dec. 24, 1827..

JOHN FORSYTH, Governor.

AN ACT to incorporate the Merchants and Planters Bank
in the City of Augusta.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That a Bank shall be established in the City of Augusta, the capital stock whereof shall be three hundred thousand dollars, to be divided into three thousand shares, of one hundred dollars each, of which two hundred shares shall be reserved until the first day of January, eighteen hundred and twenty-nine, on the original terms, then or at any prior time to be taken by the state, according to the pleasure of the Legislature, whereby the state at any subsequent election shall be entitled to the appointment of two Directors; and if they be not then taken by the state, to be disposed of in manner hereinafter provided; and also with the privilege of increasing such capital at any time thereafter as the stockholders may desire, to the sum of six hundred thousand dollars, which sum shall be divided into shares as above.

SEC. 2. *And be it further enacted by the authority aforesaid,* That subscriptions for constituting the said bank shall be opened on the first Monday in February next at the City of Augusta, under the superintendence of Edward Thomas, Joseph Wheeler, and William Bostwick, commissioners, for eleven hundred and fifty shares. At the City of Savannah, under the superintendence of Benjamin Burroughs, Hezekiah Lord, and O. Taft, for six hundred

shares. At Washington, Wilkes county, under the superintendence of William Deering, A. G. Semmes and Hopkins W. Brewer, for one hundred and fifty. At Athens, under the superintendence of Stephens Thomas, J. A. Cobb and S. Brown, for fifty shares. At Lexington, under the superintendence of J. Gillespie, Edward Coxe and John Moore, for one hundred shares. At Petersburg, under the superintendence of Archibald Stokes, John Watkins and Henry M. Watkins, for one hundred shares. At Greensborough, under the superintendence of N. Lewis, D. Hungerford and J. West, for one hundred and fifty shares. At Milledgeville, under the superintendence of Seaborn Jones, Thos. H. Kenan and H. W. Malone, for one hundred and fifty shares. At Macon, under the superintendence of Isaac Harvey, O. H. Prince and E. D. Tracy, for one hundred shares. At Sparta, under the superintendence of N. C. Sayre, W. P. Ford and John Lucas for one hundred shares. At Waynesborough, under the superintendence of John Whitehead, S. Sturges and John Carpenter, for fifty shares. At Louisville, under the superintendence of Samuel W. Robbins, Asa Holt, and John Murphy, for fifty shares. And at St. Marys, under the superintendence of Wm. Gibson, J. N. Chappel and Archibald Clarke, for fifty shares---A majority of whom shall be competent to the discharge of their duties, and the books of subscription shall be kept open for the space of three days, during which time it shall and may be lawful for any person or copartnership, being citizens of the United States corporation or body politic established in the United States, to subscribe for any number of shares, not exceeding fifty, except as herein before provided relative to the state: *Provided*, that if the whole number of shares be not taken up within the space of three days as aforesaid, then and in that case it shall and may be lawful for any person or copartnership, being citizens of the United States, corporation or body politic, established in the United States, to subscribe for any number of shares unsubscribed for as aforesaid; and the sums respectively subscribed for shall be payable in manner following, viz: ten per cent. at the time of subscribing, ten per cent at the expiration of sixty days thereafter, and the balance of eighty per cent. so subscribed for. at such times as the same shall be required by the Directors: *Provided*, that sixty days previous notice of the

time at which such payment is required to be made, be given in one of the gazettes of Augusta, Savannah and Milledgeville, and provided that no payment shall be required at any time between the first of July and the first of November in any year.

Sec. 3. *And be it further enacted by the authority aforesaid,* That if there shall be a failure in the payment of any sum subscribed by any person, copartnership, or body politic, when the same is required to be paid by this act, or when it shall be required to be paid by the directors, the share or shares upon which such failure shall happen or accrue, shall be for such failure forfeited, and may be again sold and disposed of in such manner as the directors shall order or provide; and the proceeds from such sale, together with the sum or sums which may have been paid thereon, shall enure to the benefit of the said corporation.

Sec. 4. All religious, charitable, and literary, corporate institutions within the state, shall be allowed to deposit any sum not exceeding fifty thousand dollars at any time during the existence of the Bank, for which scrip shall be issued at par value of the stock, entitling them to receive dividends on the same terms with any other stockholder: *Provided always however,* that in case such religious, charitable, or literary institution, shall be disposed to sell such scrip at any time thereafter, that in such case, it shall be first tendered to the bank at the price given for it, and only in case of a refusal on the part of the bank to purchase said scrip so tendered, shall it be lawful for them to dispose of the same elsewhere.

Sec. 5. *And be it further enacted by the authority aforesaid,* That all those who shall become subscribers to the said bank, their successors and assigns shall be, and they are hereby created and constituted a corporation and body politic, by the name and style of "The Merchants and Planter Bank," and by that name shall be and are hereby made able and capable in law, to have, purchase, receive, possess, enjoy and retain to them and their successors, lands, rents, tenements, hereditaments, goods, chattels and effects, of whatsoever kind, nature, or quality, the same may be; and the same to sell, grant, demise, alien or dispose of; to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in courts of record, or any other place whatsoever, and also to make

and have a common seal, and the same to break, alter and renew at their pleasure ; and also to ordain, establish and put in execution such bye-laws, rules and regulations as shall seem necessary and convenient for the government of the said corporation : *Provided*, that such bye-laws, rules and regulations be not contrary to the Constitution and laws of this state, or of the United States ; and generally to do and execute all and singular such acts, matters and things as to them may or shall appertain, subject nevertheless to the rules, regulations, restrictions, limitations and provisions hereinafter prescribed.

Sec. 6. *And be it further enacted by the authority aforesaid*, That for the well ordering of the affairs of the said corporation, there shall be nine directors, who shall be elected as soon as gold and silver coin to the amount of twenty per cent. of the subscriptions for the said stock shall have been received. And in each and every year thereafter, the directors shall be chosen by the stockholders or proprietors of the capital stock of said corporation, when a plurality of votes given in, shall be required to make a choice ; and those who shall be duly chosen at any election, shall be capable of serving as Directors, by virtue of such choice, until the end or expiration of the first Monday of January next ensuing the time of such election and no longer. And the said Directors at their first meeting after each election shall choose one of their number as President, and in case of his death, resignation, removal from the state or from the board of Direction, the said Directors shall proceed to fill the vacancy by a new election for the remainder of the year : *Provided always and be it further enacted*, That as soon as the sum of twenty-five per cent. as aforesaid shall have been actually received by the commissioners in the several towns where the books may have been opened on account of the subscriptions on the stock, such sums shall immediately thereafter be transmitted by them to the commissioners in Augusta, where it shall be, on the receipt of the amounts so transmitted, give notice thereof in one at least of the gazettes of Augusta, Savannah, Milledgeville, Washington and Athens, and at the same time in like manner notify a time and place within the said City of Augusta, at the distance of not less than thirty days at least from the date of such notification for proceeding to the election of Directors, and it shall be lawful

election to be then and there made; and the persons who shall be then and there chosen, shall be the first Directors, and shall receive from the said commissioners the money which may have been received by them, and shall be capable of acting by virtue of such choice until the end or expiration of the first Monday in January next ensuing the time of making the same, and shall forthwith thereafter commence the operations of the said Bank at the said City of Augusta: *And provided further*, That in case it should at any time happen, that an election of Directors should not be made, upon any day when pursuant to this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but it shall be lawful on any other day to hold and make an election of Directors in such manner as shall have been regulated by the rules and bye-laws of the said corporation; and provided that in case of the death, resignation, absence from the state, or removal of a Director, his place may be filled up by a new choice for the remainder of the year, by the remaining Directors.

Sec. 7. *And be it further enacted by the authority aforesaid*, That the Directors for the time being shall have power to appoint such officers and clerks under them as shall be necessary for executing the business of the said corporation, and to allow them such compensation for their services respectively as shall be reasonable; and shall be capable of exercising such other powers and authorities for the well governing and ordering the affairs of the said corporation, as to them shall appear conducive to the interest of the institution.

Sec. 8. *And be it further enacted by the authority aforesaid*, That the following rules, regulations, limitations, and provisions, shall form and be fundamental articles of the Constitution of the said Corporation.

1st. The number of votes to which each stockholder shall be entitled, shall be according to the number of shares he shall hold, each share to be entitled to one vote: *Provided*, that no share or shares shall confer a right of suffrage, which shall not have been holden three calendar months previously to the day of election, and unless it be holden by the person in whose name it appears, absolutely and bona-fide in his own right, or in that of his wife, and for his

or her sole use and benefit, or as executor, administrator, or guardian, or in the right and use of some copartnership, corporation, or society of which he or she may be a member, and not in trust for or to the use of any other person; any stockholder being absent, may authorise by power of attorney under seal, any other stockholder to vote for him, her, or them.

2d. None but a stockholder, entitled in his own right to ten shares, and being a citizen of the state, and not being a director of any other bank, shall be eligible as a Director; and if any one of the Directors after being elected, shall at any time during the term for which he shall have been chosen, cease to be a stockholder, his seat shall thereupon become vacated, and the remaining Directors or a majority of them, shall at their next meeting pass an order declaring him no longer to be a Director.

3d. The stockholders shall make such compensation to the President for his services, as shall appear to them reasonable.

4th. Not less than five Directors shall constitute a board for the transaction of business, of whom the President shall always be one, except in case of sickness or necessary absence, in which case his place may be supplied by any Director, appointed by the Board of Directors present for that purpose.

5th. A number of stockholders, not less than twenty, who together shall be proprietors of two hundred shares or upwards, shall have power at any time to call a meeting of the stockholders for purposes relative to the institution, giving at least sixty days notice in a public gazette at Augusta, in the City of Savannah, in the City of Milledgeville, and at Washington and Athens, specifying in such notice, the object or objects of such meeting.

6th. The cashier or treasurer of the bank for the time being, before he enters upon the duties of his office, shall give bond with two or more securities to the satisfaction of the Directors, in a sum not less than twenty thousand dollars, with condition for his good behaviour and the faithful discharge of his duties.

7th. The lands, tenements, and hereditaments which it shall be lawful for the said corporation to hold, shall be only such as shall be requisite for its immediate accommodation in relation to the convenient transaction of business; and

such as shall have been bona fide mortgaged to it as security or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments which shall have been obtained for such debts.

8th. The total amount of the debts which the said corporation shall at any time owe, whether by bond, bill, note or other contract, shall not exceed three times the amount of their capital stock, over and above the amount of specie actually deposited in their vaults for safe keeping; in case of excess, the Directors under whose administration it shall happen, shall be liable for the same in their individual, natural and private capacities, and an action of debt may in such case be brought against them or any of them, their or any of their heirs, executors or administrators, in any court of record in the United States, having competent jurisdiction, or either of them by any creditor or creditors of the said corporation, and may be prosecuted to judgment and execution, any condition, covenant or agreement to the contrary notwithstanding; but this shall not be construed to exempt the said corporation or the lands, tenements, goods and chattels of the same, from being also liable for and chargeable with the said excess.—And each of the said Directors who may have been absent when the said excess was contracted or created, or who may have dissented from the resolution or act whereby the same was so contracted or created, may respectively exonerate themselves from being so liable, by having their dissent, if present, entered on the minutes of the said corporation.

9th. The Directors shall have power to issue to the subscribers their certificates of stock which shall be transferable on the books of the Cashier only, by personal entry of the stockholder, his legal representative or attorney, duly authorised by special power for that purpose.

10th. The company shall in no case directly or indirectly be concerned in commerce or insurance, or in the importation or exportation, purchase or sale of any goods, wares or merchandise whatever, (bills of exchange, notes and bullion only excepted) except such goods, wares or merchandise as shall be truly transferred, conveyed or pledged to them by way of security for money actually loaned and advanced, or for debts due, owing or growing

due to the said corporation, or purchased by them, to secure such debts so due to the said corporation or to effect the insurance on the property that may belong or be thus pledged to the said company for its security.

11th. The bills obligatory and of credit, notes and other contracts whatever on behalf of the said corporation, shall be binding and obligatory upon the said company, provided the same be signed by the President and countersigned or attested by the Cashier of the said corporation, and the funds of the corporation, shall be in no case held liable for any contract or engagement whatever, unless the same shall be so signed and countersigned or attested as aforesaid; and the books, papers and correspondence, and the funds of the company shall at all times be subject to the inspection of the board of directors and stockholders, when convened, according to the provisions of this act.

12th. Dividends of the profits of the corporation or of so much thereof as shall be deemed expedient and proper, shall be declared and paid half yearly, (the first half after the bank shall have been in operation excepted,) and the said dividends shall from time to time be determined by a majority of Directors, at a meeting to be held for that purpose, and shall in no case exceed the amount of the nett profits actually acquired by the corporation, so that the capital stock thereof shall never be impaired.

13th. The Directors shall keep fair and regular entries, in a book to be provided for that purpose, of their proceedings, and on any question when two Directors shall require it, the yeas and nays of the Directors voting shall be duly inserted on their minutes, and those minutes be at all times on demand, produced to the stockholders, when at a general meeting, the same shall be required.

14th. The persons and property of the original stockholders and those holding stock by a transfer in the said bank shall be pledged and bound in proportion to the amount of the value of shares that each individual or company may subscribe for or hold in said bank, for the ultimate redemption of the bills or notes issued by or from said bank in the same manner as in common commercial cases, or simple actions of debt, and that the State be pledged for the ultimate redemption of the bills or notes of said bank in proportion to the amount of the value of

shares that shall or may be subscribed for and held by said State.

15th. The corporation shall exist and continue until the first day of January, one thousand eight hundred and fifty-eight, and immediately after the dissolution of the said corporation, effectual measures shall be taken by the Directors last appointed and acting, for closing all the concerns of the company, and for dividing the capital and profits which may remain then among the stockholders, according to their respective interests.

Sec. 9. *And be it further enacted,* That no stockholder shall be permitted to borrow money from said bank upon the faith or pledge of their stock, but shall be subjected to the same rules and regulations in borrowing money therefrom as any other customer of said bank.

IRBY HUDSON,

Speaker of the House of Representatives.

THOMAS STOCKS,

President of the Senate.

Assented to, Dec. 26, 1827,

JOHN FORSYTH, Governor

Courts.

AN ACT to change the time of holding the Inferior Courts of Jackson and Telfair counties.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the time of holding the Inferior courts of said county, shall be on the second Monday in January, and first Monday in July in each year, and that all declarations, writs, recognizances, precepts, and processes returnable to either of said terms as heretofore established, shall be made returnable to the next January term of said court.

Sec. 2 And be it farther enacted, That from and after the first day of January next, the Inferior courts of the county of Telfair, shall be held in said county on the first Monday in April and second Monday in October, on each and every year; any law to the contrary notwithstanding.

Sec. 3. And be it further enacted, That it shall be the duty of the clerk of said court, to advertise this alteration at one of the most public places in each captain's district of said county.

Sec. 4. And be it further enacted, That all laws or parts of laws militating against this act, be and the same are hereby repealed.

IRBY HUDSON,

Speaker of the House of Representatives.

THOMAS STOCKS,

President of the Senate.

Assented to, Dec. 22, 1827.

JOHN FORSYTH, Governor.

AN ACT to authorise the Justices of the Inferior Court Court of the county of Burke, to appoint the clerk of the land court for said county.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That

from and after the passage of this act, the authority shall be vested in the Justices of the Inferior court of the county of Burke, to appoint the clerk of the land court for the aforesaid county; all laws to the contrary notwithstanding.

IRBY HUDSON,

Speaker of the House of Representatives.

THOMAS STOCKS,

President of the Senate.

Assented to, 24th Dec. 1827.

JOHN FORSYTH, Governor.

AN ACT to authorise the Courts of Ordinary in the different counties in this state, to grant and issue letters of guardianship upon the persons and property of illegitimate children.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That from and immediately after the passage of this act, illegitimate children shall be placed upon the same footing with orphans, so far as to authorise and empower the different courts of ordinary within this state, to confide the management of their persons and property to guardians, in all cases where the said courts may deem it necessary; any law, usage, or custom to the contrary notwithstanding.

IRBY HUDSON,

Speaker of the House of Representatives.

THOMAS STOCKS,

President of the Senate.

Assented to, Dec. 18, 1827.

JOHN FORSYTH, Governor.

AN ACT to alter and fix the time of holding the superior and inferior courts in the Chattahoochie circuit, and to add the county of Fayette to the Flint circuit.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same,

That from and immediately after the passing of this act, the time of holding the superior courts in the Chattahooche circuit, shall be as follows :—

In the county of Merriwether, on the first Monday in March and September.

In the county of Talbot, on the Thursday thereafter.

In the county of Marion, on the second Monday of March and September.

In the county of Lee, on the Thursday thereafter.

In the county of Muscogee on the third Monday in March and September.

In the county of Harris on the Thursday thereafter.

In the county of Troup, on the fourth Monday in March and September.

In the county of Coweta on the Thursday thereafter.

In the county of Carroll, on the Monday thereafter.

In the county of De Kalb, on the second Monday in April and October.

Sec. 2. *And be it further enacted*, by the authority aforesaid, That the time of holding the Inferior courts in said Circuit, shall be as follows :

In the county of Merriwether, on the first Monday in May and November.

In the county of Talbot, on the second Monday in May and November.

In the county of Marion on the third Monday in May and November.

In the county of Lee, on the fourth Monday of May and November.

In the county of Muscogee, on the first Monday in June and December.

In the county of Harris, on the second Monday in June and December.

In the county of Troup, on the third Monday in June and December.

In the county of Coweta, on the fourth Monday in June and December.

In the county of Carroll, on the first Monday in July and January.

In the county of De Kalb, on the second Monday in July and January.

Sec. 3. *And be it further enacted*, That from and after the passing of this act, the county of Fayette shall be ad-

ded to and become a part of the Flint circuit, and that the superior courts in said county shall be held on the fourth Mondays in April and October in each year.

Sec. 4. *And be it further enacted by the authority aforesaid,* That all writs and processes made returnable to any of the aforesaid courts, shall be taken, considered, and held to be returnable to the aforesaid courts at the times herein before specified; and that all persons subpoenaed or recognized to appear at any of the aforesaid courts, shall be held liable to appear at the same at the times herein specified; any law, usage, or custom to the contrary notwithstanding.

IRBY HUDSON,

Speaker of the House of Representatives.

THOMAS STOCKS,

President of the Senate.

Assented to, Dec. 14, 1827.

JOHN FORSYTH, Governor.

AN ACT to amend an act entitled an act to empower the general court of pleas to grant writs of partition of lands and tenements held in coparcenary, joint tenancy and tenancy in common in this province and appointing the method of proceeding therein, passed the 26th March, 1767.

Whereas by the before recited act it is made the duty of the Superior courts in this State, on application for a writ of partition, to appoint eleven persons to perform such duty, which from experience to be unnecessarily expensive, for remedy whereof—

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That from and immediately after the passing of this act, that whenever a writ of partition shall be granted in terms of the before recited act, it shall be directed to five freeholders of the county where such writ shall issue, and the said freeholders or a majority of them shall have full power to perform all the duties required by the before recited act in cases of partition, and the said freeholders or a majority of them shall have power to select a surveyor

to aid them in the discharge of their duties, and the said freeholders shall be subject to the same rules, regulations and restrictions as are prescribed by the before recited acts in all cases of partition; any law to the contrary notwithstanding.

IRBY HUDSON,

Speaker of the House of Representatives,

THOMAS STOCKS,

President of the Senate.

Assented to, Dec. 22, 1827.

JOHN FORSYTH, Governor.

AN ACT to change the time of holding the Inferior court of Decatur county, so far as relates to the January term of said court.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same; That from and after the passing of this act, the Inferior court of Decatur county shall be commenced and held on the fourth Monday in January in each year instead of the second Monday in January as heretofore; any law, usage or custom to the contrary notwithstanding.

IRBY HUDSON,

Speaker of the House of Representatives.

THOMAS STOCKS,

President of the Senate.

Assented to, Dec. 18, 1827.

JOHN FORSYTH, Governor.

AN ACT to alter and fix the time of holding the Superior and Inferior courts in and for the Ocmulgee district, so far as relates to the counties of Wilkinson, Jasper and Baldwin.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same; That from and after the passing of this act, the time of holding the Superior courts in the counties of Wilkinson, Jasper and Baldwin shall be as follows:

In the county of Wilkinson, on the second Mondays in April and October.

In the county of Jasper, on the third Mondays in April and October.

In the county of Baldwin, on the second Monday in June next, and the second Monday in January thereafter, and at those times in each and every year.

Sec. 2 *And be it further enacted by the authority aforesaid*, That the time of holding the Inferior courts in the counties aforesaid shall be as follows:

In the county of Wilkinson, on the second Mondays in July and January.

In the county of Jasper, on the third Monday in July and January.

In the county of Baldwin, on the second Monday in April and October.

Sec. 3. *And be it further enacted by the authority aforesaid*, That all persons summoned, subpoenaed or bound as jurors, witnesses, jurors, or in any other capacity to attend said courts, at the time which by the laws now in force are holden, shall be bound by virtue of said summons, subpoena or any other process heretofore issued, to attend said courts as altered by this act.

Sec. 4 *And be it further enacted by the authority aforesaid*, That all writs, precepts, and processes of any kind or nature whatsoever, made returnable to the terms heretofore recited.

Sec. 5. *And be it further enacted by the authority aforesaid*, That all laws and parts of laws militating against this act be, and the same are hereby repealed.

IRBY HUDSON,

Speaker of the House of Representatives,

THOMAS S. ROCKS,

President of the Senate:

Assented to, Dec. 24, 1827.

JOHN FORSYTH, Governor.

AN ACT to alter the time of holding the Superior courts in the Southern Circuit.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the first day of March next, the time of holding the Superior court in the Southern circuit, shall be as follows :

In the county of Twiggs, on the third and fourth Mondays in March and September.

In the county of Laurens, on the first Monday in April and Wednesday after the first Monday in October.

In the county of Pulaski, on the second Mondays in April and October.

In the county of Telfair, on the third Mondays in April and October.

In the county of Irwin, on the Thursdays thereafter.

In the county of Appling, on the fourth Mondays in April and October.

In the county of Ware on the Thursdays thereafter.

In the county of Lowades, on the first Mondays in May and November.

In the county of Thomas, on the Thursdays thereafter.

In the county of Decatur, on the second Mondays in May and November.

In the county of Early, on the Mondays thereafter.

In the county of Baker, on the fourth Mondays in May and November.

In the county of Dooly, on the Thursdays thereafter.

Sec. 2. *And be it further enacted by the authority aforesaid, That all persons summoned, subpoenaed, or bound as suitors, witnesses, jurors, or in any other capacity to attend said courts, which by the law now in force they are or may be required to attend, shall be bound by virtue of said summons, subpoena, or any other process heretofore issued to attend said courts as altered by this act.*

Sec. 3. *And be it further enacted, That all laws and parts of laws that militate against this act be and the same are hereby repealed.*

IRBY HUDSON,

Speaker of the House of Representatives.

THOMAS STOCKS,

President of the Senate.

Assented to, Dec. 24, 1827.

JOHN FORSYTH, Governor.

AN ACT to alter and fix the times of holding the Superior courts in the Eastern district, and the Inferior courts, so far as relates to the counties of Camden and Liberty.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same. That from and after the termination of the present fall circuit of the said Superior courts, that the times for holding the said Superior courts in the several counties in the Eastern circuit shall be as follows :

FALL CIRCUIT.

On the Thursday before the first Monday in November, in Bulloch.

On the second Monday in November, in Camden.

On the Thursday thereafter, in Wayne.

On the Monday thereafter in Glynn.

On the Wednesday thereafter; in McIntosh.

On the first Monday in December, in Bryan

On the Wednesday thereafter, in Liberty.

On the Monday thereafter, in Chatham.

On the first Monday in January, in Effingham.

SPRING CIRCUIT.

On the Thursday before the fourth Monday in March, in Bulloch.

On the first Monday in April, in Camden.

On the Monday thereafter, in Wayne.

On the Thursday thereafter, in Glynn.

On the Monday thereafter, in McIntosh.

On the Monday thereafter, in Liberty.

On the Thursday thereafter, in Bryan.

On the second Monday in May, in Effingham.

On the Monday thereafter, in Chatham.

Sec. 2. *And be it further enacted,* That from and after the first day of March next, the Inferior court in the county of Camden shall be held in said county on the first Monday in January and on the first Monday in June, and in the county of Liberty on the second Monday.

Sec. 3. *And be it further enacted,* That all petitions, bills and subpoenas, and all processes whatsoever returnable heretofore to said courts at any other times than those herein mentioned, be and the same are made returnable to the courts to be held according to this act, and all par-

ties, jurors, witnesses, and other persons required to attend said courts or any of them, are required to attend at the times hereinbefore stated.

IRBY HUDSON,
Speaker of the House of Representatives.
THOMAS STOCKS,
President of the Senate.

Assented to, Dec. 26, 1827:

JOHN FORSYTH, Governor.

AN ACT to alter and fix the times of holding the Superior courts in the county of Gwinnett.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the Superior courts of the county of Gwinnett shall be held on the first Monday in April and on the Tuesday after the first Monday in October in each year, until the said times of holding the same shall be altered by law.

Sec. 2. *Be it further enacted, That all writs, precepts, processes and notices of any kind whatever, made returnable or applicable to the terms of said court as heretofore appointed, shall be returnable and applicable to the terms hereinbefore stated.*

Sec. 3. *Be it further enacted, That all laws mitigating against this act be, and the same are hereby repealed.*

IRBY HUDSON,
Speaker of the House of Representatives.
THOMAS STOCKS,
President of the Senate.

Assented to Dec. 24, 1827.

JOHN FORSYTH, Governor.

Counties.

AN ACT to organise the Counties of Merriwether, Troup, Harris, Talbot, Marion, and Muscogee.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by authority of the same, That on the first Monday of February next the persons who reside in the counties of Merriwether and Troup, may meet together; and under the superintendence of three freeholders elect so many Justices of the Inferior Court for their respective counties as are required by law; also, a Clerk of the Superior and Inferior Courts, a Sheriff, Tax Collector, Receiver, Coroner, and County Surveyor---And on the first Monday in February next the persons who reside in the counties of Harris, Marion, Talbot, and Muscogee, shall meet together in like manner and elect so many judges as may be necessary to make the number required by law; also a sheriff, tax collector, receiver, coroner, and surveyor.

Sec. 2. And be it further enacted, That the place of election in the county of Merriwether shall be at the house of Hugh W. Ector.

In the county of Troup at the house of Nicholas Johnston.

In the county of Talbot at the house of Darling R. Allen.

In the county of Harris at the house of Lewis Wynn.

In the county of Marion at the house of Wesley Williams.

In the county of Muscogee at the Town of Columbus.

Sec. 3. And be it further enacted, That the said freeholders shall certify under their hands to the Governor the persons so elected, who shall thereupon be commissioned to hold their offices till the next general election for the like officers throughout the State, unless their offices be sooner vacated by law.

Sec. 4. And be it further enacted, That the Justices of the Inferior Court in their respective counties, or a majority of them, shall fix the site of their necessary public buildings as they may think most conducive to the public good; and they shall have the power of erecting all the necessary public buildings in their respective counties, and for that purpose purchase a lot of land for a county town, except they should fix upon a fraction as the public site, then it shall be the duty of the court to assess the value of the fraction and to enter into the usual obligation for the payment of fractions, and to lay out a county town and dispose of the lots as they may think most conducive to the public interest; and it shall be the duty of the said Inferior Court to reserve two lots, an acre each, for academies, and four lots, an acre each, for religious purposes; and it shall be the duty of the Inferior Court to execute titles to each of the religious denominations, to one of the lots thus reserved.

Sec. 5. And be it further enacted, That the said Justices as soon as practicable shall lay off their respective counties into captains districts, and whenever the said districts are defined they shall advertise, and one or more of them shall attend the election, of two Justices of the Peace in each captains district, giving fifteen days notice thereof, who shall be commissioned to continue in office till the next general election of Justices of the Peace throughout the state, unless their offices be sooner vacated by law.

Sec. 6. And be it further enacted, That the Justices of the Peace after they have been commissioned as aforesaid, it shall be their duty to advertise in their respective districts the election of subaltern officers as required by the militia laws now in force, and the said captains shall as early as practicable make out a complete roll of all such persons as are liable to do militia duty, and return the same to the Inferior Court.

Sec. 7. And be it further enacted, That the Judges of the Court shall in due time order an election for field officers, giving fifteen days notice of the same, and it shall be the duty of two or more magistrates to superintend said election and certify the same as required by the militia laws now in force.

Sec. 8. *And be it further enacted*, That the Justices of the Inferior Courts for said counties, shall proceed to select grand and petit jurors agreeable to the law now in force.

Sec. 9. *And be it further enacted*, That where there are magistrates and military officers in any of the counties above named, that the Justices of the Inferior Court be required to lay off their districts, and have elections only where there are not a sufficient number of those officers.

Sec. 10. *And be it further enacted*, That no part of this act be so construed as to turn out any officer before the time expires for which he was elected.

IRBY HUDSON,

Speaker of the House of Representatives.

THOMAS STOCKS,

President of the Senate.

Assented to Dec. 24, 1827.

JOHN FORSYTH, Governor.

AN ACT to regulate the trading of Merchants, Shopkeepers, and others, so far as regards the county of Glynn, and to punish those who may attempt to defeat the same.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passage of this act, it shall not be lawful for any merchant, shop-keeper, or any other person or persons whatsoever, to trade with any slave or slaves, free negro, or mulatto, with or without a ticket, after the hours of eight in the evening, nor before sun-rise in the morning in the county of Glynn.

Sec. 2. *And be it further enacted by the authority aforesaid*, That if any slave or slaves, free negro or mulatto, shall be seen in any tippling house, with any article of sale within the aforesaid prohibited hours, it shall be taken and received as evidence against the person owning or person keeping the store or tippling house, of a violation of this act: *Provided nevertheless*; that nothing herein contained

shall be so construed as to prevent the owner or owners of said tippling shop or store from supplying any written order of the owner or manager of said slave or slaves, free negro or mulatto.

Sec. 3. *And be it further enacted by the authority aforesaid*, That if any person or persons shall violate the before recited act, he or they shall for the first offence be fined in the sum of thirty dollars, and for every repetition of the offence, the sum of forty dollars, to be appropriated to county purposes.

Sec. 4. *And be it further enacted*, That all laws or parts of laws militating against this act, be and the same are hereby repealed.

IRBY HUDSON,
Speaker of the House of Representatives.
THOMAS STOCKS,
President of the Senate.

Assented to Dec. 18, 1827.

JOHN FORSYTH, Governor.

AN ACT to add a part of the county of Talbot and Marion to the county of Crawford.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That so much of the county of originally Muscogee, lying and being within the following bounds, viz: commencing at the corner of fractions Nos. 192 and 193, in the 24th district of originally Muscogee, running south until it strikes Patoyliga, or four mile creek; thence down said creek to its junction with Flint river, be added to and become a part of the county of Crawford---any law or usage to the contrary notwithstanding.

IRBY HUDSON,
Speaker of the House of Representatives.
THOMAS STOCKS,
President of the Senate.

Assented to Dec. 18, 1827.

JOHN FORSYTH, Governor.

AN ACT for the division of the late acquired counties of Carrol, Troup, Muscogee and Lee into counties of a proper shape and size.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That so much of the counties of Carrol and Troup as are contained within the following boundaries, to wit: beginning on the Alabama line where the twelfth and fifteenth districts of Carrol county corner on said line, running thence East with the dividing line of said districts to the Chattahoochee river, and across said river to the north corner of Troup county, along the line between the counties of Troup and Coweta to the north east corner of lot number five, in the eleventh district of Troup, thence south to the south east corner of lot number ninety-six, in the third district of the county of Troup, thence west across the Chattahoochee river to the Alabama line, thence along said line to the beginning, shall form a county called Troup.

Sec. 2. And be it further enacted by the authority aforesaid, That so much of the original county of Troup as is contained in the following boundaries, to wit: beginning at the south east corner of lot number ninety-six, in the third district of Troup, running east to the south east corner of lot number eighty-six, in the third district of Troup, thence a straight line to the south east corner of lot number one hundred and ten, in the second district of Troup, thence east to the south east corner of lot number forty-six, in the first district of Troup, thence a straight line to the north east corner of lot number one hundred and thirty-eight, in first district of Troup, thence north to Flint river, and up said river to the original line between the counties of Coweta and Troup, thence west with said line to the north east corner of lot number five, in the eleventh district of Troup, thence south to the beginning, shall form one other county to be called Merriwether, (in memory of General David Merriwether.)

Sec. 3. And be it further enacted, That so much of the counties of Troup and Muscogee as are contained in the following boundaries, to wit: beginning at the south

east corner of lot number one hundred and ten, in the second of Troup, thence a straight line to the north east corner of lot number two hundred and ninety four, in the 22d district of Muscogee county, thence south to the south east corner of lot number one hundred and ninety-three, in the seventeenth district, thence west on the district line of ten and seventeen and nine and eighteen, along the same to the Chattahoochee, thence up the Chattahoochee river to the south west corner of fraction three hundred and eighteen, in the fifth district of Troup, thence east to south east corner of lot number eighty-six, in the third of Troup, thence a straight line to the beginning, shall form a county to be called Harris (in memory of Charles Harris, of the City of Savannah.)

Sec. 4 *And be it further enacted,* That so much of the counties of Muscogee and Lee as are contained in the following boundaries, to wit: beginning at the south western corner of fraction number one hundred and twelve, on the Chattahoochee river, thence on the district line dividing the eighth and nineteenth districts of Muscogee, running an easterly course along said district line to the centre of fraction number one hundred and twenty, in the tenth district of Muscogee county, thence southwardly down the centre of that range of lots to the fifth district line, thence down the dividing line between numbers one hundred and twenty eight and one hundred and twenty-nine to the south east corner of lot number one hundred and thirty-six, in thirty-second district of Lee county, thence westwardly along the eastern line of that range of lots to the north west corner of fraction 345, on the Chattahoochee river, in the 22d district of Lee county, from thence up the Chattahoochee river to the beginning, shall form one other county called Muscogee.

Sec. 5. *And be it further enacted,* That so much of the county of Muscogee as lies within the following boundaries, to wit: beginning at the south-east corner of lot number 193, in the 17th district of the county of Muscogee thence east to Flint river, thence up said river to the boundary line of the county of Merriwether, hence with said line to the boundary line of the county of Harris, thence southwardly along said line to the beginning, shall form one other county called Talbot, (in memory of Capt. Matthew Talbot, of Wilkes county.

Sec. 6. *And be it further enacted,* That so much of the counties of Lee and Muscogee as are contained in the following boundaries, to wit: beginning in the centre of lot number 120, in the 10th Muscogee, and running southwardly along the county line of Muscogee, to the south east corner of lot 136, in the 32d district Lee county, thence east to the upper corner of fraction number 145, in the 28th Lee, on Flint river, thence up said river to the south east corner of fraction number 280, in the first Muscogee, thence with the county line of Talbot to the beginning, form one other county to be called Marion, (in memory of Gen. Francis Marion.)

Sec 7. *And be it further enacted,* That all laws and parts of laws militating against this act be and the same are hereby repealed.

IRBY HUDSON,

Speaker of the House of Representatives.

THOMAS STOCKS,

President of the Senate.

Assented to, Dec. 14, 1827.

JOHN FORSYTH, Governor.

AN ACT to add a part of the county of Dooly to the county of Lee.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passing of this act all that part of the county of Dooly lying south and west of a line commencing at the mouth of Swift creek, at its junction with Flint river, thence a direct line to the south east corner of district number 16, on the Irwin county line, and thence on the Irwin county line to its intersection with the Baker county line on Flint river, shall be added to the county of Lee.

Sec. 2. *And be it further enacted,* That John Richardson, William Posey and John B Coleman be and they are hereby appointed Commissioners to superintend the running and laying off said line.

Sec. 3. *And be it further enacted,* That all peace officers who shall be cut off and added to the county of Lee,

shall hold their said offices in the said county of Lee, during the term for which they were elected.

Sec. 4. *And be it further enacted,* That all expenses which may be incurred in running and designating said line shall be paid by the county of Lee.

Sec. 5. *And be it further enacted,* That all laws and parts of laws militating against this act be and the same is hereby repealed.

IRBY HUDSON,

Speaker of the House of Representatives.

THOMAS STOCKS,

President of the Senate.

Assented to, Dec. 24, 1827.

JOHN FORSYTH, Governor.

Corporation.

AN ACT to incorporate the Trustees of the Masonic Hall in the City of Augusta.

Whereas by an act of the General Assembly of this state, passed on the fifteenth day of December, eighteen hundred and twenty-four, certain persons therein named were constituted Commissioners, and authorised to raise by lottery the sum of twenty thousand dollars, for the purpose of building a Masonic Hall in the City of Augusta---And whereas it is made known to this Assembly, that in pursuance of said act, said Commissioners have raised the said sum of money by lottery---And whereas it was the intention of said act, that the Hall intended to be built, should be for the benefit of all the Masonic Institutions in said City, some of which are not incorporated:

Be it therefore enacted by the senate and house of representatives of the state of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That

from and after the passing of this act, Samuel Hale, Augustine Slaughter, Thomas I. Wray, Birkett D. Thompson, John W. Wilde, Robert Raymond Reid, Alexander McKenzie, William T. Gould, William Duncan, Thomas G. Casey, Jonathan S. Beers, James C. Morgan, and Francis Ganahl, and their successors, shall be and they are hereby constituted and created a body corporate and politic by the name and style of "The Trustees of the Masonic Hall in the City of Augusta."

Sec. 2. *And be it further enacted*, That the parties so incorporated as aforesaid, and their successors, shall be and they hereby are authorised to have and use a common seal, and to alter the same at pleasure, and by their corporate name aforesaid to sue and be sued, plead and be impleaded, answer and be answered unto, in any court of law or equity; and also to ordain, establish, and alter, at pleasure, such bye-laws, rules and regulations, as may seem necessary and convenient, for the government of said corporation, or the management of the property thereof: *Provided*, such bye-laws, rules and regulations be not contrary to the constitution and laws of this state, or of the United States.

Sec. 3. *And be it further enacted*, That the Commissioners of the Masonic Hall Lottery, shall so soon as the business of said Lottery is finally closed, pay over to the parties hereby incorporated, or their successors, the nett proceeds of said lottery, remaining in their hands, and the parties so incorporated and their successors, shall be and they hereby are authorised and empowered to have, hold; use, and enjoy, purchase, receive, possess, and alien, or dispose of at pleasure, lands, houses, rents, goods, and other property, both real and personal, to an amount not exceeding, any one time, the value of one hundred thousand dollars.

Sec. 4. *And be it further enacted*, That the said parties so incorporated as aforesaid, and their successors in office, shall be required when the intended Masonic Hall shall have been completed, to account annually, on or before the first day of December in each year, with the several masonic institutions now existing in said City of Augusta, and known as the consistory of the sublime degrees, Georgia Encampment, No. 1, Adoniram Council, No. 1,

Augusta Chapter No. 2, Social Lodge No. 5, and Webb's Lodge No. 19 --for all rents and profits received from said Masonic Hall, or other property belonging to said corporation, and after deducting all necessary expenses, for repairs, insurance, taxes, improvements, or other incidental charges shall pay over to the respective treasurers of said institutions, such several proportions of the balance of such rents and profits, as may be from time to time fixed on by a majority of said institutions.

Sec. 5. *And be it further enacted*, That the said parties so incorporated as aforesaid, and their successors, shall be required to appropriate the intended Masonic Hall, or such parts thereof as may be convenient and suitable, to the accommodation and use of all the masonic institutions now existing in the City of Augusta aforesaid.

SEC. 6. *And be it further enacted*, That whenever any vacancy or vacancies, in the board of trustees created by this act, shall occur, by death, resignation, removal from the state, or otherwise, the said board of trustees, or their presiding officer for the time being, shall call a meeting of the several masonic institutions now existing in said City of Augusta, giving at least ten days notice of such meeting in one or more of the public gazettes of said City, at which meeting every member in regular standing, of either of said institutions, shall have one vote, which said meeting shall proceed, by ballot, to elect a suitable person, or persons to fill such vacancy or vacancies; and the person or persons having a majority of votes, shall be declared elected, and shall become from and after his or their acceptance under such election, a member or members of said board of trustees: *Provided*, that no person shall be eligible to such election, or to a vote thereat, but such as are of or above the rank of Master Mason, and in regular standing as such, and provided also, that should any member of said board of trustees at any time be expelled, degraded or suspended, by any of said masonic institutions, having competent masonic authority so to do, such person shall immediately, and ipso facto, cease to be a member of said board, and the vacancy shall be filled as herein before is provided.

Sec. 7. *And be it further enacted*, That this act, and all bye-laws and rules of said corporation, shall at all times be subject to amendment, alteration and repeal by the General Assembly of this State.

IRBY HUDSON,
Speaker of the House of Representatives.
THOMAS STOCKS,
President of the Senate.

Assented to Dec. 22, 1827.

JOHN FORSYTH, Governor.

AN ACT to incorporate the Savannah Steam Rice Mill Company.

Whereas, great inconvenience has arisen upon the seaboard of this State, for the want of proper mills for the pounding of rice---And whereas certain individuals herein after named, are desirous of erecting a Steam Rice Mill, and of being incorporated under the name of the Savannah Steam Rice Mill Company :

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That George Jones, Alexander Telfair, Robert Habersham, George W. Anderson, Ainos Scudder, Nathaniel Campfield, Anthony Barclay, with all such persons as are now or may hereafter become stockholders in the said company be and they are hereby incorporated and made a body politic by the name and style of the "Savannah Steam Rice Mill Company:" and by that name shall be, and are hereby made able and capable in law, to have, purchase, and receive, and retain to themselves and their successors, lands, rents, tenements, and hereditaments, goods, chattels and effects, of what kind soever, and the same to sell, grant, demise, alien, or dispose of, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in courts of record, or any other place whatsoever, and to make, have, and use a common seal, and the same to break alter, and renew at their pleasure; and also by such person or persons as a majority of the stockholders shall ap-

point for the management of the concerns and business of the said Company, to ordain, establish, and put in execution, such bye-laws and regulations as shall seem convenient for the government of the said corporation; and to select and appoint all such officers and servants as may be necessary for the discharge of the business of the said Company.

Sec. 2. *And be it further enacted*, That if the said Corporation shall at any time hereafter deem it advisable and for the benefit of the stockholders to erect and construct and work, one or more mills for the sawing of lumber, that then and in such case, the said Corporation shall hold and work the same with like privileges as are herein before granted for the erecting, holding and working, the said Rice Mill.

IRBY HUDSON,

Speaker of the House of Representatives.

THOMAS STOCKS,

President of the Senate.

Assented to Dec. 19, 1827.

JOHN FORSYTH, Governor.

AN ACT to incorporate the Augusta Library Society.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That Henry H. Cumming, George W. Crawford, Thomas J. Casey, Augustine Slaughter, John P. King, James P. Waddel, James Moore, Peter Bennoch, and Robert R. Reid, the Directors, and others the stockholders of and in a certain Society in the City of Augusta, and the successors in office of the said Directors, and the future holders of the said stock, shall be and they are hereby appointed and constituted a body politic and corporate, having perpetual succession, under the name and style of The Augusta Library Society; and by that name and style they are hereby made capable and liable in law, to have, purchase, receive, possess, enjoy and retain to them and their successors and

transferees, lands, tenements, goods, rents, stock, and effects of what kind, nature or quality soever; and the same to sell and dispose of for the benefit of the said body corporate; to sue and be sued, plead and be impleaded, answer and be answered unto in courts of record and other places, and to make, have, and use a common seal; and the said body corporate is hereby empowered to ordain and frame such bye-laws as may be deemed necessary and proper, and not at variance with the Constitution and Laws of this State, and the Constitution of the said Library Society, heretofore adopted, or as the same may hereafter be amended.

Sec. 2. *And be it further enacted,* That the Directors before mentioned, and their successors in office, may and shall appoint such officers as the Constitution of the said Society shall or may warrant, or require; and also shall and may do and perform every act or thing fit and proper for them to do and perform, in conformity to the Constitution of said Society, and the Laws and Constitution of this State.

IRBY HUDSON,

Speaker of the House of Representatives.

THOMAS STOCKS,

President of the Senate.

Assented to Dec. 22, 1827.

JOHN FORSYTH, Governor.

Clerks.

AN ACT to compel the Clerks of the Superior and Inferior courts of the county of Tattnall to keep their offices at or within one mile of the court house in said county.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passage of this act the Clerks of the Superior and Inferior courts of the county of Tattnall shall keep their offices at or within one mile of the court house of said county.

Sec. 2 *And be it further enacted, That all laws or parts of laws militating against the same are hereby repealed.*

IRBY HUDSON,

Speaker of the House of Representatives.

THOMAS STOCKS,

President of the Senate.

Assented to, 4, Dec. 1827.

JOHN FORSYTH, Governor.

AN ACT to compel the Clerks of the Superior and Inferior courts of the county of Ware to keep their offices at or within one mile of the Court House of said county.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the first day of January next, it shall be the duty of the clerk of the Superior and clerk of the Inferior courts of Ware county to keep their offices at or within one mile of the court house of said county.

Sec. 4 *And be it further enacted, That all laws and parts of laws militating against this act, be and the same is hereby repealed.*

IRBY HUDSON,

Speaker of the House of Representatives.

THOMAS STOCKS,

President of the Senate.

Assented to Dec. 19, 1827.

JOHN FORSYTH, Governor.

Churches.

AN ACT to incorporate the Baptist and Presbyterian Churches in the town of Washington, Wilkes county.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That Jesse Mercer, James Armstrong, William G. Gilbert, John W. Butler, and Osborn Stone, and their successors in office, be and they are hereby declared to be a body politic and corporate, under the name and style of "The Trustees of the Baptist Church at Washington."

Sec. 2. *And be it further enacted, That* Andrew G. Semmes, Thomas Terrell, Samuel Barnett, Joseph W. Robinson, Felix G. Hay, James Wingfield and Duncan G. Campbell, and their successors in office, be and they are hereby declared to be a body politic and corporate, under the name and style of "The Trustees of the Presbyterian Church at Washington."

Sec. 3. *And be it further enacted, That* said corporations as such, shall be capable of doing all acts, which like corporations may of right do, shall have power of suing and being sued, of holding and conveying property, real or personal, by gift, devise, bargain and sale, or otherwise, for the use and benefit of said churches—said trustees shall have perpetual succession in law, and they, or a majority of them, in each board, shall have power to fill all such vacancies as may occur therein, whenever the same may happen, and to pass all such bye-laws and regulations as they may deem expedient and requisite for the purposes of the trusts hereby created, whether the same may relate to the purchase or sale of property or the preservation or management thereof.

IRBY HUDSON,

Speaker of the House of Representatives.

THOMAS STOCKS,

President of the Senate.

Assented to Dec. 19, 1827.

JOHN FORSYTH, Governor.

AN ACT to incorporate the Presbyterian Church in the Town of Decatur, DeKalb county, and to appoint trustees for the same.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That Leonard Simpson, Robert Simon, James Simon, William Carson and Alexander Corry, and their successors in office be and they are hereby declared to be a body corporate by the name and style of the Trustees of the Decatur Presbyterian Church.

SEC. 2. *And be it further enacted by the authority aforesaid,* That the said Leonard Simpson, Robert Simon, James Simon, William Carson and Alexander Corry, trustees as aforesaid, and their successors in office, shall be invested with all manner of property, both real and personal, which they may acquire or be possessed of, by gift, grant, or purchase, and all privileges and immunities which may belong to the said Church at the time of the passage of this act, or which may hereafter be made, conveyed, or transferred to them or their successors in office, to have and to hold the same to the proper use, benefit and behoof of the said Church; and also that the said Trustees or a majority of them shall and they are hereby declared to be capable of suing and being sued, impleading and being impleaded, of having and using a common seal, and also of using all legal and necessary means for recovering or defending any property whatsoever which the said Church may hold, claim, or demand.

Sec. 3. *And be it further enacted by the authority aforesaid,* That the said Trustees, or a majority of them, shall have full power and authority to make all bye-laws, and ordinances necessary for the government of the affairs of said Church, not repugnant to the laws or constitution of this State: and also to appoint such officers as they may deem necessary for conducting the business of said corporation.

Churches,

Sec. 4. And be it further enacted by the authority aforesaid, That the said Trustees, or a majority of them, shall have full power and authority to fill any vacancy which may hereafter occur in said board, by death, resignation, or otherwise, in such manner as they may hereafter appoint by the bye-laws of said Corporation.

IRBY HUDSON,

Speaker of the House of Representatives,

THOMAS STOCKS,

President of the Senate.

Assented to, Dec. 22, 1827.

JOHN FORSYTH, Governor.

AN ACT to incorporate the Presbyterian Church in the Town of Lexington.

Whereas, it is necessary for the promotion of religion, that churches and religious societies be made capable of holding, enjoying, and defending any property that they may have or may acquire, by gifts, grants or otherwise:

Be it therefore enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That John Rupert, William W. Baldwin, David McLaughlin, William Campbell, and John Pharr, elders of the Presbyterian Church in the town of Lexington, and their successors in office, shall be and they are hereby declared to be a body corporate by the name and style of the Trustees of the Presbyterian Church, or Meeting House, in the town of Lexington; and they the said John Rupert, William W. Baldwin, David McLaughlin, William Campbell, and John Pharr, elders and trustees as aforesaid, shall be invested with all manner of property, both real and personal, all monies, due or that may become due, gifts, grants, hereditaments, privileges and immunities whatsoever, which may belong to the said meeting house or religious society under the said denomination, or which may hereafter be made or transferred to them, the said elders, and their successors in office, to have and to hold the same,

for the proper use, benefit and behoof of the said Presbyterian Church ; and the said elders and their successors in that office, in the name and by the style aforesaid, shall be and they are hereby declared to be capable of sueing and being sued, and of using all necessary and legal steps for recovering and defending any property whatever, which the said church or meeting house, newly erected in said town for the denomination aforesaid, may hold, claim, or demand, and also with power to make all necessary regulations concerning said building, or the appendages thereunto appertaining, and to receive in the name of themselves, and successors in office, fee simple or other titles to any estate or personalty, which has been sold or may hereafter be conveyed to said church.

Sec. 2. *And be it further enacted,* That should the Eldership in said religious society become extinct, by death, removal, or other cause, that then and in that event, the right to the new edifice and other property aforesaid, shall vest in the membership of said Church at the happening of said contingency.

IRBY HUDSON,
Speaker of the House of Representatives.

THOMAS STOCKS,
President of the Senate.

Assented to, Dec. 19, 1827.

JOHN FORSYTH, Governor.

Divorces.

AN ACT to separate and divorce Eliza Stone and Joshua Stone her husband.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passing of this act the matrimonial connection and civil contract of marriage made and entered into between the said Eliza Stone and Joshua Stone her husband, be and the same is hereby annulled, set aside and dissolved as fully and effectually as if no such contract had ever been made or entered into between them.

Sec. 2 And be it further enacted. That the said Eliza Stone and Joshua Stone her husband, shall be held in future as separate and distinct persons, altogether unconnected by any union or civil contract whatever, at any time heretofore entered into between them.

IRBY HUDSON,

Speaker of the House of Representatives.

THOMAS STOCKS,

President of the Senate.

Assented to, Dec. 24, 1827.

JOHN FORSYTH, Governor.

AN ACT to divorce Catharine Wilson and John Wilson her husband.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That from and immediately after the passage of this act, the matrimonial connection or civil contract of marriage made and entered into between Catharine Wilson and John Wilson her husband, shall be and is hereby completely annulled, set aside and dissolved as fully and as effectually as if no such contract had ever been made and entered into between them.

Sec. 2. *And be it further enacted by the authority aforesaid,* That the said Catharine Wilson and John Wilson her husband, shall be held in future as separate and distinct persons, altogether unconnected by any union or civil contract whatsoever, at any time heretofore made and entered into between them.

IRBY HUDSON,

Speaker of the House of Representatives.

THOMAS STOCKS,

President of the Senate.

Assented to, Dec. 24, 1827.

JOHN FORSYTH, Governor.

AN ACT to divorce and separate Thomas Wright and Louisa Wright his wife.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passage of this act, the matrimonial connection or civil contract of marriage made and entered into between Thomas Wright and Louisa Wright his wife, shall be and is hereby completely annulled, set aside, and dissolved as fully and efficiently as if no such contract had ever been made and entered into between them.

Sec. 2. *And be it further enacted by the authority foresaid,* That the said Thomas Wright and Louisa Wright his wife shall in future be held and considered as distinct persons, altogether unconnected by any nuptial union or civil contract whatever.

IRBY HUDSON,

Speaker of the House of Representatives.

THOMAS STOCKS,

President of the Senate.

Assented to, Dec. 24, 1827.

JOHN FORSYTH, Governor.

AN ACT to divorce and separate Hannali Irvin and Charles Irvin her husband.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That from and immediately after the passing of this act, the matrimonial connection or civil contract of marriage made between Hannah Irvin and Charles Irvin her husband, shall be, and is completely annulled, set aside and dissolved, as fully and effectually as if no such contract had ever been made and entered into between them.

Sec. 2. *And be it further enacted,* That the said Hannah Irvin and Charles Irvin her husband, shall in future be held as separate and distinct persons, altogether unconnected by any mystical union or civil contract whatever, at any time heretofore made or entered into between them.

IRBY HUDSON,

Speaker of the House of Representatives.

THOMAS STOCKS,

President of the Senate.

Assented to, Dec. 21, 1827.

JOHN FORSYTH, Governor.

AN ACT to separate and divorce Nancy Wright and William R. Wright her husband.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That from and immediately after the passing of this act, the matrimonial connexion or civil contract of marriage made and entered into between Nancy Wright and William R. Wright her husband, shall be, and is hereby completely annulled, and set aside and dissolved, as fully and effectually as if no such contract had ever been made and entered into between them.

IRBY HUDSON,

Speaker of the House of Representatives.

THOMAS STOCKS,

President of the Senate.

Assented to, Dec. 22, 1827.

JOHN FORSYTH, Governor.

AN ACT to separate and divorce David Cawdle and Rebecca Cawdle his wife.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That from and immediately after the passage of this act, the matrimonial connexion, or civil contract of marriage between David Cawdle and Rebecca Cawdle his wife, shall be completely annulled, set aside, and dissolved, as fully and effectually, as if no such contract had ever been made and entered into between them.

Sec. 2. *And be it further enacted, That the said David Cawdle and Rebecca Cawdle, shall in future be held as distinct and separate persons, altogether unconnected by any mystical union or civil contract whatever.*

IRBY HUDSON,

Speaker of the House of Representatives.

THOMAS STOCKS,

President of the Senate.

Assented to Dec. 20, 1827.

JOHN FORSYTH, Governor.

AN ACT to separate and divorce Sarah Boothe and Willie Boothe her husband.

Be it enacted by the senate and house of representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the matrimonial connexion or civil contract of marriage between the aforesaid Sarah Boothe and Willie Boothe, shall be completely annulled, set aside, and dissolved, as fully and effectually, as if no such contract had ever been made and entered into between them.

Sec. 2. *And be it further enacted by the authority aforesaid, That the said Sarah and Willie shall in future be held as separate and distinct persons, altogether unconnected by any mystical union or civil contract whatsoever heretofore entered into between them.*

IRBY HUDSON,

Speaker of the House of Representatives.

THOMAS STOCKS,

President of the Senate.

Assented to Dec. 20, 1827.

JOHN FORSYTH, Governor.

Elections.

AN ACT to establish an additional electoral district in the county of Jefferson.

Be it enacted by the senate and house of representatives of the state of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That from and immediately after the passage of this act, there shall be established an additional electoral district in the county of Jefferson at the house of John H. Newton, in the 79th district, at which place it is hereby made legal for any person entitled to a vote for members of the General Assembly of this state in said county, to vote at the aforesaid place for representatives from this state in the Congress of the United States, members of the Legislature, electors to elect the president and vice-president of the United States, governor of this state, and all county officers; which elections shall be held and conducted under the same rules, regulations and penalties as are prescribed in a law passed at the annual session of the Legislature for the year eighteen hundred and twenty-six, to establish electoral districts in the county of Jefferson---all laws or parts of laws to the contrary notwithstanding.

IRBY HUDSON,

Speaker of the House of Representatives.

THOMAS STOCKS,

President of the Senate.

Assented to Dec. 19, 1827.

JOHN FORSYTH, Governor.

AN ACT to establish additional election districts in the counties of Fayette and Wilkes, and to punish those who may attempt to defeat the same.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passage of this act, it may and shall be lawful to hold an election for Governor, members to Congress, electors of President and Vice-President, members of the Legislature, and for all county officers, at the place of holding courts in the thirteenth district of the county of Fayette, in addition to the other places established by law for holding elections in the said county; also at the place of holding justices courts in the 495th captains district in said county of Fayette.

Sec. 2. *And be it further enacted,* That one justice of the peace, or one justice of the Inferior Court and two freeholders, may superintend the elections in said district, after the said freeholders shall have taken the following oath: "I do solemnly swear, that I will faithfully and impartially superintend this day's election, and make a full and true return thereof according to law, and the best of my abilities---So help me God."

Sec. 3. *And be it further enacted,* That the superintendants of said district election shall and they are hereby required, on the day of said election to count out the votes by them taken in, and make a fair statement of the polls, and one or more of the superintendants of said district election shall meet one or more of the superintendants of the election held at the court-house, and at the other district elections, on the next day after said election; which meeting shall be held at the court-house in said county, and there compare and add the returns of votes together, and transmit a true statement of the same to the Executive Office, agreeable to the laws of the state now in force.

Sec. 4. *And be it further enacted,* That if any person shall vote or attempt to vote at more than one place in said county for the same election, or if any magistrate or superintendant of said district election shall violate the trust to him committed by this act, such person or magistrate shall

be deemed guilty of a high misdemeanor, and on conviction thereof before the superior court of said county, shall be fined fifty dollars, or be imprisoned at the discretion of the court, for a term not exceeding ten days.

Sec. 5. *And be it further enacted*, That the place of the sheriff or his deputy, may be supplied by any lawful constable at said district election, and that said district elections shall in all other respects than those herein recited, be conducted in the same manner, and at the same time as is prescribed by the laws now in force in this state regulating general elections.

Sec. 6. *And be it further enacted by the authority aforesaid*, That from and after the passing of this act, there shall be established in the county of Wilkes, three additional election districts in addition to those already established, to-wit : one at the store of Dewberry & Scott, on the south side of Little river ; one at the house of Charles Smith, and one at the house of Richardson Booker ; at which places it shall and may be lawful to hold elections for senator and representatives of the state legislature, members of congress, governor, electors of president and vice-president of the United States, and for all state and county officers ; which shall be superintended, managed, and conducted agreeable to the provisions of an act passed on the 15th day of December, 1826, creating and establishing an election district in the county of Wilkes, and any person or persons violating the provisions of said act, shall be subject to the pains and penalties therein expressed.

IRBY HUDSON,

Speaker of the House of Representatives.

THOMAS STOCKS,

President of the Senate.

Assented to Dec. 26, 1827.

JOHN FORSYTH, Governor.

AN ACT to amend an act, passed the twenty sixth day of December, eighteen hundred and twenty-six, regulating and establishing district elections in the county of Jones.

Be it enacted by the Senate and House of Representatives of the state of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passage of this act, it shall and may be lawful to hold an election at or near the widow Baldwin's in Captain Ross' district, for governor, members of Congress, and of the senate and house of representatives in the state legislature, and for all county officers, so far as respects the county of Jones.

Sec. 2. *And be it further enacted, That* the elections to be held at the place as aforesaid, shall be superintended in like manner, under the same restrictions, with like penalties, and the returns made in like manner, as is pointed out in the provisions of the before recited act, to which this is amendatory.

Sec. 3. *And be it further enacted, That* all elections for electors of President and Vice-President of the United States, shall be held in the several election districts in said county.

Sec. 4. *And be it further enacted, That* all laws or parts of laws militating against this act, be and the same are hereby repealed.

IRBY HUDSON,

Speaker of the House of Representatives.

THOMAS STOCKS,

President of the Senate.

Assented to Dec. 24, 1827.

JOHN FORSYTH, Governor.

AN ACT to amend an act to establish and regulate district elections in the county of McIntosh, passed the seventh day of December, 1825.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That from and immediately after the passing of this act, it shall be the duty of the magistrate presiding at any of the election districts, to attend at the court house on the day after the election at which he may preside, as prescribed by the above recited act, for the purposes therein mentioned: *Provided nevertheless,* That if the presiding magistrate should refuse, neglect or by any other means, fail to convey the returns of any election at which he may preside, that it shall be lawful for one of the presiding freeholders to do so and to certify the general return.

Sec. 2. *And be it further enacted,* That the sum of twelve and a half cents per mile from the place of election to the court house be allowed to the presiding magistrate or freeholder of any district election for conveying the returns to the court house, to be paid by the Clerk of the Inferior court of said county, out of any county funds that may be in his hands.

IRBY HUDSON,
Speaker of the House of Representatives.
THOMAS STOCKS,
President of the Senate.

Assented to, 4th Dec. 1827.

JOHN FORSYTH, Governor.

AN ACT to establish an additional election district in the county of Elbert.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passage of this act, an election district shall be established at Ruckersville, Elbert county, for the election of Governor, Members to Congress, and of the Senate and House of Representatives in the State

Legislature, and all county officers, which election shall be superintended and conducted in the same manner as is prescribed in an act entitled an act to establish election districts in the county of Elbert, and to punish those who may attempt to defeat the same, passed the seventeenth day of December, eighteen hundred and twenty-five.

IRBY HUDSON,

Speaker of the House of Representatives.

THOMAS STOCKS,

President of the Senate.

Assented to, Dec. 17, 1827.

JOHN FORSYTH, Governor.

AN ACT to establish an additional electoral district in the county of Habersham.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That from and immediately after the passage of this act, there shall be established an additional electoral district in Habersham county, at the house of Joshua Sutton, at which place it is hereby made legal for any person entitled to a vote for Members of the General Assembly of this State in said county, to vote at the aforesaid place for Representatives from this State in the Congress of the United States. Members of the Legislature, Electors to elect the President and Vice President of the United States, Governor of this State, and all county officers, which elections shall be held and conducted under the same rules, regulations and penalties as are prescribed by law; all laws or parts of laws to the contrary notwithstanding.

IRBY HUDSON,

Speaker of the House of Representatives.

THOMAS STOCKS,

President of the Senate.

Assented to, Dec. 19, 1827.

JOHN FORSYTH, Governor.

AN ACT to amend the several acts relative to the establishment and regulation of election districts in the county of Gwinnett.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passage of this act there shall be election districts established at the house of David Watkins, in Captain Woodroof's district, and at the house of Samuel Borne, the place of holding Justices court, in Captain Strong's district in said county.

Sec. 2. *And be it further enacted,* That all elections for Governor, Members of Congress, and Members of the State Legislature, and county and militia officers, be and they are hereby required to be conducted at said place and at all other election precincts in said county, subject to the same rules and regulations as are provided to govern other election districts in said county.

Sec. 3. *And be it further enacted,* That so much of the said acts to which this is amendatory, as establishes an election district at the house of John Humphrey in said county, and all laws or parts of laws militating against this act be and they are hereby repealed.

IRBY HUDSON,

Speaker of the House of Representatives.

THOMAS STOCKS,

President of the Senate.

Assented to, Dec. 18, 1827.

JOHN FORSYTH, Governor.

AN ACT to establish an additional election district in the county of Pulaski.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same. That from and immediately after the passage of this act, there shall be established an additional election district in the county of Pulaski, at the place of holding the Justices courts in Capt. Andersons district, at which place it is

hereby made legal for any person entitled to vote for members of the general assembly of this state in said county, to vote at the aforesaid place for representatives from this state in the Congress of the United States, members of the Legislature, electors to elect the President and Vice President of the United States, Governor of this state, and all county officers, which election shall be held and conducted under the same rules, regulations and penalties as are prescribed in a law passed at an annual session of the Legislature for the year eighteen hundred and twenty-five, to establish election districts in the county of Pulaski; all laws or parts of laws to the contrary notwithstanding.

IRBY HUDSON,

Speaker of the House of Representatives,

THOMAS STOCKS,

President of the Senate.

Assented to, Dec. 18, 1827.

JOHN FORSYTH, Governor.

AN ACT to establish an additional place of holding elections in the county of Tattnall.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passage of this act it may and shall be lawful to hold elections for members of Congress and members for the state legislature in the State of Georgia, for Governor and for all other state and county officers, at or near the mill of Aaron B. Strickland, and at the court house of said county.

Sec. 2. *And be it further enacted by the authority aforesaid,* That any two magistrates and two freeholders or a majority of them in said county, may superintend said election at said place, after said freeholders having taken said oath, as follows: "I do solemnly swear or affirm that I will faithfully superintend this day's election and make a just and true return thereof according to law and the best of my abilities, so help me God."

Sec. 3. *And be it further enacted,* That the superintendants of said election shall and they are hereby requir-

ed on the day of said election, to count out ballots by them taken in, and make a fair statement of the polls, and one Magistrate or superintendant from said Election shall meet one or more of the magistrates or superintendants of the other election, at the court house on the day following said election, and there compare and add the returns or votes together, and to certify to his Excellency the Governor the person or persons so elected, agreeable to the laws of this State now in force.

Sec. 4. *And be it further enacted,* That all laws and parts of laws militating against the provisions of this act be and the same are hereby repealed.

IRBY HUDSON,

Speaker of the House of Representatives.

THOMAS STOCKS,

President of the Senate.

Assented to, Dec. 19, 1827.

JOHN FORSYTH, Governor.

AN ACT to alter and amend the first section of an act, passed twenty-fourth December, eighteen hundred and twenty-five, to regulate the general elections in this State, so far as respects the county of Burke.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passage of this act, that all elections for Governor, Members to Congress, and of the senate and house of representatives in the State legislature, and for all county officers, to wit: the clerks of the superior and inferior courts, sheriffs, coroners, surveyers, receivers and collectors of taxes, may and shall be hereafter held at Waynesborough in the county of Burke, and at each of the battallion muster grounds in said county; any law to the contrary notwithstanding.

IRBY HUDSON,

Speaker of the House of Representatives.

THOMAS STOCKS,

President of the Senate.

Assented to, Dec. 18 1827.

JOHN FORSYTH, Governor.

AN ACT to establish and regulate district elections in the counties of Early, Lee, and Pike.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same. That from and after the first Monday in January next, that all elections for governor, members of the Legislature, members of Congress, electors to vote for President and Vice-President of the United States, and all county officers in the county of Early, shall and may be held at the following places exclusive of the court-house, to-wit: At the house of Richard Grimsley, in Captain Wilson's district; and at the house of Mrs. Elizabeth Porter, in Captain Haines' district; and at Ambrous H. Perry's, on Spring creek. And all elections for governor members to Congress, electors to vote for President and Vice-President of the United States, members of the state legislature, and for all county officers and militia in and for the county of Lee, shall and may be held at the following places, to-wit: At the house of Axum Webb in the first district; at the house of M. Hunt in the sixth district; at the house of Overton Cosby in the twenty-second district; at the house of Daniel Little in the sixteenth district; and at the house or place of holding the superior courts in the said county of Lee.

Sec. 2. And be it further enacted, That all general elections for representatives to Congress, electors of President and Vice-President of the United States, and for members of the state legislature, for Governor, and all county officers, so far as respects the county of Pike, may and shall be held at Zebulon as heretofore, and at the house of Mr. Bond, the place of holding muster and justices court, in the third district; and at the house of Mr. Johnson, the place of holding muster and justices court, in the seventh district of originally Monroe, now the county of Pike.

Sec. 3. And be it further enacted by the authority aforesaid, That one Justice of the Inferior Court, or one Justice of the Peace and two freeholders, shall and may be competent to superintend said elections; said freeholders first taking the following oath before any Justice of the Inferior Court or Justice of the Peace, to-wit: "I, A. B.

do solemnly swear, that I will faithfully and impartially superintend this day's election, and make a just and true return thereof, to the best of my abilities---So help me God."

Sec. 4. *And be it further enacted by the authority aforesaid*, That one or more of said superintendants from the several precincts, shall meet at the court-house on the day succeeding said elections, and there compare the several returns, and certify to his Excellency, the person or persons elected.

Sec. 5. *And be it further enacted by the authority aforesaid*, That any person or persons voting or attempting to vote, at more than one place on the same day, shall pay a fine of one hundred dollars, and be imprisoned at the discretion of the court having competent jurisdiction of the same.

Sec. 6. *And be it further enacted by the authority aforesaid*, That the place of the sheriff at said elections, may be supplied by any lawful constable---any law to the contrary notwithstanding.

IRBY HUDSON,
Speaker of the House of Representatives.
THOMAS STOCKS,
President of the Senate.

Assented to Dec. 24, 1827.

JOHN FORSYTH, Governor.

AN ACT to alter and amend an act, entitled an act to alter the time of holding the elections for county officers in this state, passed the sixteenth of December, eighteen hundred and eleven, so far as respects the counties of Henry and DeKalb.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and by the authority of the same it is hereby enacted, That all elections for sheriffs, clerks of the superior and inferior courts, county surveyors, coroners, tax-collectors and receivers of tax returns, so far as respects the county of Henry

shall be held at the times by law prescribed, and at the town of McDonough, at the house of John Lovejoy in the 12th district, and at the place of holding justices courts in the 526th district of Georgia Militia, (the places of holding general elections in said county.)

Sec. 2. And be it further enacted, That all elections for any of the aforesaid officers in the county aforesaid, shall be opened, held, and conducted in the same manner as is by law prescribed for holding elections for governor, members of Congress, and of the state legislature in said county, and that said managers shall meet at the court-house on the day following and compare and add the votes, and declare the persons elected, in the same manner to all intents as is prescribed in the case of members of the state legislature.

Sec. 3. And be it further enacted by the authority aforesaid, That the elections for the aforesaid county officers of the county of DeKalb, shall be held on the first Monday in January next, and at all subsequent times at the places hereinafter mentioned, to-wit: At the court-house in the town of Decatur; at the house of Mr. Fain in Captain Howel's district; at Georges' store in Captain Harris' district; and at a place in Captain Sission's district, generally known by the name of Crown Point.

Sec. 4. And be it further enacted, That the general elections in and for said county, shall be held at the places aforesaid, and conducted in such manner as is now prescribed by law---any law to the contrary notwithstanding.

Sec. 5. And be it further enacted, That all laws and parts of laws militating against the true intent and meaning of this act, be and the same are hereby repealed.

IRBY HUDSON,

Speaker of the House of Representatives.

THOMAS STOCKS,

President of the Senate.

Assented to Dec. 19, 1827.

JOHN FORSYTH Governor.

AN ACT to divide the counties of Carrol and Coweta into electoral districts, and to add a certain part of the Cherokee Nation to the counties of Carrol and DeKalb, for the purposes of giving criminal jurisdiction to the same.

Be it enacted by the Senate and House of Representatives of the state of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That in future the general election for representatives to Congress, to the state legislature, for governor, for electors, and all county officers, shall be held at the places where they are at present held in the above recited counties, or which may hereafter be established as the court-houses of said counties; and in addition to those places there shall be established the following electoral districts in the county of Carrol, to-wit: one in the first district at the present place of holding Justices Court; one other in the eighth district at the house of John Robinson; and one other in the fourth district at the place called McIntosh's.

Sec. 2. *And be it further enacted,* That there shall be established in the county of Coweta the following electoral districts in addition to the present place of holding the general election, to-wit: one at the present place of holding Justices Court in the first and sixth districts of said county; one at the present place of holding Justices Court in the second and third districts of said county; and one at the present place of holding Justices Court in the ninth district of said county.

Sec. 3. *And be it further enacted,* That one Justice of the Peace or of the Inferior Court, and two freeholders, may superintend said elections at the electoral districts aforesaid, after said freeholders shall have taken the following oath, to-wit: "I do solemnly swear, or affirm, that I will faithfully superintend this day's election, and make a just and true return thereof according to law and the best of my abilities---So help me God."

Sec. 4. *And be it further enacted,* That the superintendants of each of the district elections, shall and they are hereby required on the day of the election aforesaid, to count out the ballots by them taken in and make a fair and

correct statement of the polls, and one or more of the superintendants or the magistrates from each of the said districts shall meet the magistrates who shall have presided at the places where the elections are now held in each of said counties, or where the same may be hereafter held as the court-house sites of said counties, which meeting shall take place at said court-house on the next day after said election, and they shall then and there compare and add the several returns or votes together and certify to his Excellency the Governor the persons so elected, agreeably to the laws of this state now in force.

Sec. 5. *And be it further enacted*, That if any person shall vote at more than one of said places of election for any of the respective candidates at the same election, shall violate the trust confided to him by this act, such person, magistrate, or freeholder shall be deemed guilty of a high misdemeanor, and shall on conviction thereof before the superior court of said county be fined in a sum of twenty dollars, and be imprisoned at the discretion of the court for a term not exceeding three days.

Sec. 6. *And be it further enacted*, That when any doubt shall arise as to the legality of any vote offered, it shall be the duty of the superintendants to administer, in addition to the oath prescribed by law, to-wit: "I do solemnly swear, or affirm, that I have not this day voted at any election for any senator, representative, governor, member of Congress, elector, or county officer---So help me God."

Sec. 7. *And be it further enacted*, That a constable shall officiate at said district elections, in the same manner that the sheriff or his deputy does at the other General Elections.

Sec. 8. *And be it further enacted*, That all that portion of the Cherokee Nation, lying within the following lines, shall be attached to and considered as a part of the county of Carroll, for the purpose of giving criminal jurisdiction to said county of Carroll, under the several laws heretofore passed for the trial of offences committed in the Cherokee or Indian Nation, to-wit: Beginning at Buzzard Roost, and running thence on the old path that leads to one Sally Hughes; thence on the main public road to the Georgia line dividing Georgia from Alabama; and thence on that line to where the same intersects the county line of Carroll.

Sec. 9. *And be it further enacted by the authority aforesaid,* That all that portion of the unlocated territory of this state, lying north of the aforesaid line, and south of the Hightower Trail, be added to the county of DeKalb, for the purposes of criminal jurisdiction, and that all crimes and misdemeanors committed on any part of the aforesaid territory, by, or against any citizen of this state, or of the United States, shall be cognizable and triable in the aforesaid county of DeKalb.

Sec. 10. *And be it further enacted,* That all laws or parts of laws militating against this act, be and the same are hereby repealed.

IRBY HUDSON,

Speaker of the House of Representatives.

THOMAS STOCKS,

President of the Senate.

Assented to Dec. 26, 1827.

JOHN FORSYTH, Governor.

AN ACT to repeal an act, entitled an act, for the division of Upson county into electoral districts, and to establish an additional election district in the county of Rabun, so far as regards Upson county.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That from and immediately after the passage of this act, all elections for Governor and for Members of Congress, and all county and state officers that the citizens of said county are entitled to vote for, shall be held and conducted at the court house in said county of Upson in the manner already pointed out by law, and that so much of the above recited act as relates to the county of Upson, be and the same is hereby repealed; any law or parts of law to the contrary notwithstanding.

IRBY HUDSON,

Speaker of the House of Representatives.

THOMAS STOCKS,

President of the Senate.

Assented to, Dec. 17, 1827.

JOHN FORSYTH, Governor.

AN ACT to establish additional electoral districts in the county of Warren.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That from and immediately after the passage of this act there shall be established additional electoral districts in Warren county, at the house of Berriman S. Harrison, or at the place whereat the justices court for the one hundred and fiftieth district of the Georgia Militia may be holden ; also at the house of Willis Darden, in the fifty-ninth district, or wherever the court shall be hereafter held in said district ; and also at the house of Solomon Newsom, in the one hundred and fiftieth district, or wherever the court shall be held in said district, in conformity to law, at which places it is hereby made legal for any person entitled to vote for members of the general assembly of this state in said county, to vote at the aforesaid place for representatives in the congress of the United States, members of the state legislature, electors to elect the President and Vice President of the United States, Governor of this state, and all county officers.

Sec. 3. And be it further enacted, That said elections shall be held in the same manner and under the same rules, regulations and penalties as are prescribed in an act passed the twenty-third day of December, one thousand eight hundred and twenty-six, to establish an electoral district in Warren county ; all laws or parts of laws to the contrary notwithstanding.

IRBY HUDSON,

Speaker of the House of Representatives.

THOMAS STOCKS.

President of the Senate.

Assented to, Dec. 22, 1827.

JOHN FORSYTH, Governor.

Judiciary.

AN ACT to repeal a part of an act, entitled an act, to revive and amend the Judiciary system of this state, passed on the 16th day of February, 1799.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That so much of the said above recited act as requires the Judges of the superior court or one of them to read and sanction bills in Equity, other than bills of injunction ne exeat and quia timet, before the filing of said bills in court, shall be and the same are hereby repealed.

IRBY HUDSON,

Speaker of the House of Representatives.

THOMAS STOCKS,

President of the Senate.

Assented to, Dec. 24, 1827.

JOHN FORSYTH, Governor.

AN ACT to alter and amend an act, entitled an act, to alter and amend an act, to alter and amend the twelfth section of an act to protect the estates of orphans, and to make permanent provision for the poor, passed December sixteenth, eighteen hundred and eleven.

Whereas by the above recited acts the power is vested in the Inferior courts of the several counties of this state, (when sitting for ordinary purposes,) to order the sale of the real estate of testators or intestates, upon application of executors, guardians or administrators, for the benefit of the heirs and creditors, no power is given to said courts to order the sale of any real estate belonging to orphans, other than such as is acquired by them from their testator

or intestate, by reason of which frequent and manifest injury is sustained by orphans and others holding real estates other than such as is acquired by descent—for remedy whereof,

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passing of this act the justices of the Inferior courts in the several counties in this state, when sitting for ordinary purposes, shall be authorised to order a sale of any part or the whole of the real estate of any orphan or orphans, lunatic or idiot, illegitimate or illegitimates, upon application of the executor or executors or executrix, administrator or administrators or administratrix, guardian or guardians, where it is made fully and plainly appear that the same will be for the benefit of such orphan or orphans idiot or lunatic, illegitimate or illegitimates, under the same rules and restrictions as are by law pointed out for the sale of real estates of testators and intestates.

Sec. 2. Be it further enacted by authority of the same, That all laws militating against this act be, and the same are hereby repealed.

IRBY HUDSON,

Speaker of the House of Representatives.

THOMAS STOCKS,

President of the Senate.

Assented to Dec. 21, 1827.

JOHN FORSYTH, Governor.

AN ACT regulating the proceedings on bonds, taken for the security of the peace, and for other purposes.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That in all cases where any judge of the inferior court or justice of the peace shall take a bond or bonds for the security of the peace, or where any such judge or justice shall commit any person or persons charged with an intent to violate the peace, to the common jail of the county or any other place of confinement, on account of the unwillingness or

inability of such person or persons to give such bonds, that then and in such case it shall be the duty of the said judge or justice forthwith to make a return of such bond, together with the affidavit or affidavits and other evidence on which the said bond was required, or in case of no bond, to make a return of the affidavits and evidence on which the person or persons were committed to jail. to the next term of the superior, inferior or city court which may first thereafter hold its sittings, and it shall be the duty of the officer prosecuting for the state in the said court, on the first day of the said term or as soon thereafter as he can be heard, to move the judge or judges presiding in the said court to take the same into consideration, and it shall be the duty of the said judge or judges when the case is so presented to him or them, to examine the evidence so returned and presented, and if thereupon he shall be of opinion that there was no sufficient ground for requiring such bond, or for the imprisonment of such person or persons, then and in such case the said judge or judges are hereby required to cause the bond or bonds so taken to be cancelled, or to discharge the said person or persons from confinement as the case may be, and if he shall be of opinion that there was no reasonable ground for requiring such bond or bonds, to order and direct that the prosecutor shall pay all the costs and expenses of the said proceedings, which costs shall be collected and recovered in the same manner as fees of witnesses are: provided that if the said judge or judges shall have any doubt upon the evidence presented, he or they may receive additional affidavits from either of the parties, touching the conduct of the parties in relation to the causes from which such proceedings originated.

IRBY HUDSON,

Speaker of the House of Representatives.

THOMAS STOCKS,

President of the Senate.

Assented to Dec. 24, 1827.

JOHN FORSYTH, Governor.

AN ACT declaring and making certain the law regulating the rights of husbands in and to the property of their deceased wives, and for other purposes.

Whereas the legislature of this state did on the 25th of December, 1821, pass an act entitled "an act to amend and explain an act passed the 12th December, 1804, entitled an act, to amend an act, entitled an act to carry into effect the sixth section of the fourth article of the constitution, touching the distribution of intestates estates, directing the manner of granting letters of administration, letters testamentary, and marriage licenses, passed 23d December 1789, as respects advancements to children in the lifetime of the intestate," by the second section of which act, it is provided "that in case of a feme covert dying intestate, the husband may demand and have administration of their rights and credits, and other real and personal estates, and recover and enjoy the same without being subject to distribution."

And whereas the constitutionality of said second section is doubted, by reason of its departure from the title of said bill—for remedy whereof,

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That in every case where a feme covert has died within this state intestate since the said twenty-fifth of December, 1821, or may hereafter die intestate, the husband shall and may demand and have administration of their rights and credits, and of other real and personal estates, and recover and enjoy the same without being subject to distribution; any law, usage or custom to the contrary notwithstanding.

IRBY HUDSON,

Speaker of the House of Representatives.

THOMAS STOCKS,

President of the Senate.

Assented to, Dec. 26, 1827.

JOHN FORSYTH, Governor.

AN ACT to amend the Rent Laws of this State.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passing of this act, it shall and may be lawful upon the expiration of any lease, or time for which lands have been rented which are now in existence, or have already expired, or which shall hereafter exist, where the tenant, or his sub-tenant holds over, and where the owner of the rented property, or his agent or representative shall desire to have possession of the same, to demand of the tenant or tenants the possession of the rented property; and in case of refusal on the part of the tenant, or omission on his, her, or their part to deliver possession, it shall and may be lawful for the owner thereof, or by his, or her agent or representative to go before the Judge of the superior court, or any Justice of the inferior court, or Justice of the Peace and make oath that the lease or term of time for which the land was rented has expired, and that the tenant refuses, omits, or neglects to give possession, it shall be the duty of the person before whom the oath is made, to issue or grant a warrant or process, directed to the sheriff or his deputy, requiring or commanding him to deliver to the owner, his agent or representative, peaceable, full, and quiet possession of the rented premises, removing the tenant or tenants with his property found thereon belonging to such tenant or tenants therefrom.

SEC. 2. *And be it further enacted,* That when the tenant shall declare on oath that his lease, whether written or verbal, is not expired, or that he does not hold the premises either by lease or rent from the said person who has made the said oath, or by any one holding under him or them by rent or lease, he shall not be removed from the possession of the said premises, but the sheriff shall return the proceedings to the next superior court of the county where the land lies, and the fact be there tried, and if determined against the tenant or tenants, he shall pay double the rent received; and the person making the said oath shall be entitled to a writ of possession, to be issued from and under the directions of the said superior court, directed to the sheriff or his deputy, who shall give possession of the premises as prescribed in the first section of this act.

Sec. 3. *And be it further enacted*, That the sheriff for executing the process aforesaid shall be allowed the sum of three dollars; which amount shall be paid by the tenant, and his goods levied on for that purpose.

IRBY HUDSON,

Speaker of the House of Representatives.

THOMAS STOCKS,

President of the Senate.

Assented to Dec. 24, 1827.

JOHN FORSYTH, Governor.

AN ACT to facilitate the recovery of personal property in certain cases.

Whereas it frequently happens that suits in the different courts of law and equity in this state for personal property, continue for a number of years, and that after the commencement, and before the end of said suits, the property in-dispute increases, or has issue, which cannot be recovered in any other way than by resorting to a new action---for remedy whereof,

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That while any suit or action is now pending, or may hereafter be instituted in any court of law or equity in this state, for personal property; the issue of said property born, or to be born after the commencement of said suit or action, shall and may be recovered in the said suit or action, and it shall be the duty of the court to allow the declaration or bill to be amended at any stage of the said suit or action, so as to include the said issue so born or to be born---any law, usage or practice to the contrary notwithstanding.

IRBY HUDSON,

Speaker of the House of Representatives.

THOMAS STOCKS,

President of the Senate.

Assented to Dec. 24, 1827.

JOHN FORSYTH, Governor.

AN ACT to provide a more easy and convenient mode of proving open accounts, so as to make them evidence in Justices Courts.

Whereas the practice now pursued by the different Justices Courts in this state, of requiring open accounts to be proven in open court, in order to make them evidence, is found in many instances to be highly inconvenient---for remedy whereof,

*Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That from and immediately after the passage of this act, in any suit which may be instituted in a Justices Court within this state, upon an open account against any party who may have removed without the jurisdictional limits of the county in which such account was contracted, or who may reside without the county in which the account was contracted, the said account may be proven by a written affidavit before any officer authorised to administer an oath, and when so proven, shall be received in evidence upon the trial of said suit as though the same had been proven in open court: *Provided however*, that if the defendant will make an affidavit in writing denying the justice and fairness of the whole or any part of the said account, the said court shall not give judgment for so much thereof as may be so traversed or controverted, unless supported by other proof.*

Sec. 2. *And be it further enacted by the authority aforesaid, That all laws and parts of laws militating against this act, be and the same are hereby repealed.*

IRBY HUDSON,

Speaker of the House of Representatives,

THOMAS STOCKS,

President of the Senate.

Assented to Dec. 26, 1827.

JOHN FORSYTH, Governor.

AN ACT to reduce the damages upon bills of exchange drawn on any place beyond the limits of the United States, returned protested for non-payment; and to define more precisely the mode of settling the same, on the principle of exchange.

Whereas the damages at present established by commercial custom and judicial decision in this state, upon foreign bills of exchange returned and protested, are much too high---And whereas a doubt exists what is the legal mode of settlement---for remedy whereof,

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That on all bills of exchange drawn in this state after the thirty first day of January next, upon any place beyond the limits of the United States, which shall be returned protested for non-payment, it shall be lawful for the holder or holders thereof to recover from those liable for the payment thereof, the amount of the said bill of exchange, with postages, protest, other necessary expenses, and interest upon the amount of these sums from the date of protest, until the time of presenting the same for payment in this state, at the rate established at the place at which the bill was payable, and also such premium upon the face of the bill and the foreign postages, protest and necessary expenses, as good bills of exchange upon the same place which such bill was made payable, are worth at the time and place of its demand in this state; but if such bills are then and there at a discount, the holder shall deduct such discount upon and from the items of principal, foreign postage, protest, and necessary expenses.

Sec. 2. *And be it further enacted, That it shall be lawful for the holder of such bill of exchange so returned protested as aforesaid, also to claim and receive, from the person or persons liable therefor, damages at the rate of ten per cent. upon the amount for which the said bill was drawn.*

Sec. 3. *And be it further enacted, That it shall be lawful for the holder or holders of such bill or bills returned*

protested as aforesaid, to recover the legal interest established in this state from the time of presentment for settlement, until paid upon the sum or sums, to which he would be entitled by the before mentioned mode of settlement.

IRBY HUDSON,
Speaker of the House of Representatives.
THOMAS STOCKS,
President of the Senate.

Assented to Dec. 24, 1827.

JOHN FORSYTH, Governor.

AN ACT to provide for the recording of deeds of mortgage upon real and personal property within this state, and to define the lien of the same; and also to amend an act, entitled "an act to admit certain deeds to record, and to authorise the same, or copies thereof, to be read in evidence, and also the copies of certain other deeds," and for other purposes.

Whereas it is doubted if there be any law of force in this state requiring deeds of mortgage to be recorded; and whereas such a law is highly necessary for the prevention of frauds and oppression, for remedy whereof.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That all deeds of mortgage upon real property, which have been heretofore executed, shall after having been proved, as in case of deeds of real property, be recorded in the Clerks office of the superior court of the county in which such real property may lie, within twelve months after the passing of this act, and that all deeds of mortgage upon personal property, which have been heretofore executed, shall be proved by the affidavit of the subscribing witness, and recorded in the Clerks office of the superior court of the county in which the mortgagor shall have resided at the time of the making of the same, or if he be dead, in the county where his legal representatives reside at the time of recording the same, or if there be no legal repre-

sentatives in the county where the said mortgagor last resided previous to his death, within twelve months after the passage of this act; *Provided* that nothing herein contained shall be so construed as to require mortgages which have already been recorded to be again recorded, but the same shall be held and deemed to be legally recorded and admitted in evidence under the laws now in force in this state: *And provided also*, That if the witnesses to any mortgage are dead or removed from the county, then the same may be recorded upon the affidavit of one or more persons who are acquainted with the hand writing.

Sec. 2. *And be it further enacted*, That all deeds of mortgage upon real property hereafter to be made, shall be proved in the same way as is above required by the first section of this act, for the proving of mortgages of real estate, and shall be recorded in the Clerks office of the superior court of the county in which such real estate shall lie, within three months from the date of such deed, and that all deeds of mortgage upon personal property hereafter to be made, shall be proved in the same manner as is provided by the first section of this act, for the proving of like deeds heretofore made, and shall be recorded in the Clerks office of the superior court of the county in which the mortgagor resided at the time of the execution of the said mortgage, within three months after the date of such mortgage.

Sec. 3. *And be it further enacted*, That every deed of conveyance or mortgage of either real or personal property hereafter to be made, may upon being executed in the presence of, and attested by a Notary Public, judge of the superior court, justice of the inferior court or justice of the peace, (and in cases of real property by one other witness) be admitted to record and made evidence in the different courts of law and equity in this state, as though the same had been executed, proved or attested, as heretofore required by the laws of this state, in case of deeds of real property.

Sec. 4. *And be it further enacted*, That upon failure to record any mortgage as hereinbefore required, within the time or times hereinbefore specified for recording the same, that then, and in such case, all judgments obtained before the foreclosure of the said mortgage, and also any mortgage executed after the same, and duly recorded, shall

take lien on the said mortgaged property in preference to the said mortgage.

Sec. 5. And whereas personal property is frequently mortgaged while beyond the limits of this state, which property so mortgaged is afterwards brought within the limits of this state, before the debt for which the same was pledged is satisfied—*Be it therefore enacted*. That in cases of mortgages of personal property executed when the said property so mortgaged is beyond the limits of this state, and which property shall be afterwards brought within the limits of this state, such mortgages shall be recorded within six months after the said property shall be so brought in, in the office of the Clerk of the superior court of the county where the person so bringing the said property shall first establish his residence.

Sec. 6. *And be it further enacted*, That if the holder of any mortgage of property so brought into the state, shall fail to record his mortgage at the place, and within the time specified in the preceeding section, for the recording the same, then, and in such case, any and all judgments which shall have been duly obtained against the said mortgagor, before the foreclosure of such mortgage shall be entitled to take lien on the said mortgaged property prior to the said mortgage: *Provided*, That if the said mortgagee or his assignee, or the legal representatives of such mortgagee or assignee shall, on foreclosure of the said mortgage, make affidavit before the judge or justice granting such foreclosure, that he was the holder of the said mortgage at the time of the removal of the said property into this state, and that he did not know before the expiration of the time fixed as aforesaid, for recording such mortgages, that the said mortgaged property had been removed within this state, or if the said debt be not due, and the mortgagee or his legal representatives or assignee, shall make a like affidavit before a judge or justice as aforesaid, and place the said mortgage and affidavit together on record, in the proper office hereinbefore specified, then, and in such case, the said mortgage shall be considered and taken from that time to have and be entitled to the same lien as if the same had been duly recorded.

Sec. 7. *And be it further enacted*, That all deeds of land which may have been recorded on the oath of one or more of the subscribing witnesses, or if subscribed by

two or more witnesses, one of whom attested the same as a judge of the superior court, justice of the inferior court, justice of the peace, or notary public, shall have been recorded on their official attestation, such deeds though not recorded within the time prescribed by law, shall be admitted in evidence in the same manner as deeds which have been duly recorded, and where the originals of such deeds are lost or destroyed, and that fact is made known to the court, the copies of such deeds, taken from the record and duly attested by the person having custody of the same, may be read in evidence before any court of law or equity in this state.

Sec. 8. *And be it further enacted,* That all deeds other than mortgages executed and proven, as stated in the preceding section, but not recorded, may be recorded within twelve months from the passage of this act.

IRBY HUDSON,

Speaker of the House of Representatives.

THOMAS STOCKS,

President of the Senate.

Assented to, Dec. 26, 1827.

JOHN FORSYTH, Governor.

Lands.

AN ACT to sell and dispose of the unsold lots in the town of Macon, and the public lands on the East and West side of the Ocmulgee river near and adjoining the said town, and also the bridge across the Ocmulgee river at Macon.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That his Excellency the Governor shall, immediately after the passage of this act, appoint three commissioners to lay off and distinctly mark all the reserved and public lands on the east and west sides of the Ocmulgee river, adjoining the town of Macon in the county of Bibb, including all the fractional surveys adjoining said reserve on the west side of the river Ocmulgee, into such lots and tracts of land as shall be directed by this act.

Sec. 2 *And be it further enacted by the authority aforesaid,* That the said commissioners in the execution of the duties by this act assigned them, shall cause to be laid out and distinctly marked two ranges of lots adjoining on the south, west and north of the lot or square reserved for the common and town of Macon, the first range to contain ten acres, and the second range of lots to contain twenty acres each, and all the rest and residue of the reserved lands lying on the west side of the Ocmulgee river, near the town of Macon, shall be laid off by the Commissioners aforesaid, into square tracts of one hundred acres each, or into fractions where the same will not admit of being laid out into square lots.

Sec. 3 *And be it further enacted,* That the blocks of lots containing eight half acre lots each, and known in the plan of said town as the court house lot and numbers 21 and 40, shall be set apart and appropriated to and for the use of the county of Bibb, to aid the said county in erecting their public buildings, and that the commissioners of the court house and jail of the county of Bibb be, and they are hereby authorised to sell and convey a part or the whole of said lots for that purpose; and the said commissioners of the court house and jail of the county aforesaid shall have the privilege and are hereby authorised to build their court house and jail on the reserved or public square in the town of Macon.

Sec. 4. *And be it further enacted,* That the said commissioners shall cause the reserve on the east side of the Ocmulgee river, to be laid off in the following manner, to wit: 1st a reserve for a town common, not exceeding fifty acres, and in width, running in a direct line from the east end of the bridge, not exceeding one hundred yards, and running up and down the river for compliment, making the bridge as nearly central as practicable: 2dly. adjoining said reservation of common, a range of lots of the size of one acre each, in the rear of which shall be a range of lots of ten acres each, next of a range of twenty acre lots, and last of lots of one hundred acres each, or fractions in the same manner as pointed out in the 2d section of this act.

Sec. 5. *And be it further enacted,* That the said commissioners after having fully carried into effect the foregoing provisions of this act, shall cause sixty days notice to be

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given of the intended sale in all the public gazettes of this state and one of the public gazettes of Charleston, South Carolina, and Tuscaloosa, Alabama, and shall in accordance with the said notice, proceed at some convenient place in the town of Macon to offer for sale by public outcry, all the unsold building lots already laid off in the town of Macon, together with the garden and planting lots so as aforesaid to be laid out; and shall from day to day continue said sales until the whole shall be disposed of: *Provided nevertheless*, That if in the opinion of the said commissioners or a majority of them, the states interest in said lots and land should seem likely to be sacrificed for the want of demand or bidders, or for any other cause, it shall be the duty of said commissioners to suspend the sales of lots and tracts of land for which fair prices cannot be had, until such other day or days of sale as they may think proper, after the like publication of notice to order.

Sec. 6. *And be it further enacted*, That the commissioners aforesaid shall at the sales of the public property in and near the town of Macon, proceed to sell the bridge across the Ocmulgee river, erected at the town of Macon, together with one acre of land on the east side of the river aforesaid, as a buttment for the said bridge; the purchaser shall forever have the full and free privilege of occupying and using so much of 5th or Bridge street, or the west bank of the Ocmulgee river, as may be necessary for a buttment for the said bridge, and the said bridge with the buttment on the west side of said river, shall be sold at public outcry, said commissioners first specifying in their advertisement the day on which said bridge will be sold, upon the same terms and conditions as are provided for in the fourth and fifth sections of this act, except as to giving certificates to the purchasers, and in lieu thereof, the said commissioners shall require of the purchaser, bond with approved security for the faithful payment of the four annual installments that may hereafter become due for the said bridge, and that a grant ordered shall not be made for the same until the last installment and all interest is fully paid.

Sec. 7. *And be it further enacted*, That the highest bidder for any lot or lots, authorised to be sold by this act, shall be the purchaser, who shall, on the same day, pay

to the commissioners aforesaid, one-fifth part of the purchase money in cash or current bills of chartered banks of this state, on the payment of which, the said commissioners, or a majority of them, shall give to such purchaser a certificate stating the amount paid and the amount of said purchase money then due and to be paid in four equal annual instalments, which said certificates shall be transferable by written assignment, and any purchaser failing to pay any instalment to the treasurer of the state, within sixty days after the same becomes due, shall forfeit the amount paid, and the lot or lots so purchased, shall revert to and become the property of the state; when the last instalment is paid, or whenever the purchaser pays the whole purchase money for such lot or lots, agreeably to the face of said certificate, given by the commissioners aforesaid, it shall be the duty of his Excellency the Governor, to cause a grant or grants to be made out in the name of the holder of said certificate, agreeably to the laws now in force regulating grants, which said grant shall be given to the holder of said certificate on his or her paying into the treasury of this state, four dollars and fifty cents, for office fees.

Sec. 8. *And be it further enacted*, That it shall be the duty of said commissioners, within thirty days after said sales, or any of them shall have been closed or suspended, to pay into the treasury of this state the nett amount received by them for the sale of said lots and bridge, and shall also return and deposit in the Comptroller Generals office their book or books, containing an account of the sales of all lots sold by them, and a general plan of the lots surveyed and sold by the commissioners aforesaid, shall at the same time be deposited by them in the Surveyor Generals office.

Sec. 9. *And be it further enacted*, That if any person or persons, bidding for lots, and failing on the same day to comply with the provisions of the 5th section of this act, shall forfeit the right of having any farther bid or bids cried by the commissioners; and the said commissioners shall on the next day of sale [put up and offer said lot or lots for sale] as though the same had not been previously bid off.

Sec. 10. *And be it further enacted*, That each of the commissioners, before he enters on the duties of said of-

rice, shall execute to his Excellency the Governor, a bond with good and sufficient security in the penalty of ten thousand dollars, to become null and void on the condition of his faithfully performing the several duties and requirements specified and prescribed in this act; and in case either of said commissioners shall neglect or refuse to make return and pay over to the treasurer of this state, the money which he or they may have received, for the use of the state, according to the provisions of this act, it shall be the duty of the Comptroller General of this state, immediately to issue an execution against such defaulting commissioner or commissioners, and his or their securities, for the penalty of their bond, directed to all and singular the sheriffs of said state, which execution shall be in the usual form of fieri facias, and have the same force and effect of such a writ when issued pursuant to the judgment of a court of record; but this summary process for detaining money shall in no wise exempt either of said commissioners from an action at law or equity for any other malpractice in office.

Sec. 11. *And be it further enacted*, That each of the said commissioners whilst engaged in the service herein assigned, shall be entitled to receive as full compensation, five dollars a day, and an adequate allowance for clerk hire and stationary.

Sec. 12. *And be it further enacted*, That said commissioners shall have authority to appoint a surveyor for the purposes herein expressed, whose compensation shall be five dollars a day whilst in service; also to appoint a sufficient number of chain carriers and axe-men, whose pay shall not exceed two dollars each a day, and that all persons who may have an agency in executing the provisions of this act be, and they are hereby required to complete the several duties assigned them with the least possible delay.

Sec. 13. *And be it further enacted*, That another building lot shall be set apart for the Baptist church, by the commissioners of the town, upon the said church relinquishing all right and title to the one already laid off and assigned to them and surrendering up the same to be sold pursuant to the provisions of this act.

Sec. 14. *And be it further enacted*, That nothing herein contained shall authorise said commissioners to sell any

of the lots which were leased of the government of the United States, until the expiration of said lease, unless said lot or lots are sold, subject to the incumbrance of said lease: *Provided* nothing contained in the foregoing law shall be so construed as to authorise the removal of said bridge or the erection of any other bridge or ferry on said reserve, which would interfere with said bridge where it now stands.

IRBY HUDSON,

Speaker of the House of Representatives.

THOMAS STOCKS,

President of the Senate.

Assented to, Dec. 20, 1877.

JOHN FORSYTH, Governor.

AN ACT to dispose of the McIntosh Reserves in the county of Butts.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by authority of the same, That immediately after the passing of this act, the Governor shall appoint three Commissioners to superintend the laying off and to dispose of as hereinafter directed, the reserves in the county of Butts, known by the name of the Indian Spring and McIntosh Reserves.

Sec. 2. *And be it further enacted,* That immediately after the first day of January next, the Commissioners aforesaid shall appoint a skilful surveyor, who shall under their superintendence or a majority of them, proceed to lay off the Indian Spring Reserve, in the following manner---to-wit: The mineral spring shall be included as nearly as possible in the centre of a square lot of ten acres, and around said square there shall be laid off two successive ranges of lots containing two acres each, as nearly as is consistent with uniformity, intersected by streets or avenues of not less than thirty-three feet in width, and running due east and west, north and south at right angles to each other throughout the whole plan of lots to be laid off; and next to the said range of two acre lots they shall lay off around them one other range of four acre lots; and next

to said last mentioned lots they shall lay off adjoining to them another range of lots to contain not less than twenty nor more than thirty acres; and the balance of said Indian Spring Reserve shall be laid off in squares of not exceeding fifty acres, nor less than thirty acres, unless when arriving at the outward lines of said reserve there shall be small fractions, then and in that case, said fractions shall at the discretion of the Commissioners, be added to the last range of lots in a manner most convenient and advantageous to said lots. And the said lots shall be designated by numbers, beginning with the square including the mineral spring, which shall be number one.

Sec. 3. *And be it further enacted,* That it shall be the duty of said surveyor also to lay off and number the reserve on the Ocmulgee river in said county, into four equal lots as nearly square as practicable; and said surveyor shall be entitled to receive for his services four dollars per day whilst actually engaged in said surveys.

Sec. 4. *And be it further enacted,* That the said Commissioners shall as soon as the surveys contemplated by this act are completed and plans thereof made out, proceed to set up and expose to sale the whole of said lots, except number one, in the Indian Spring Reserve, first giving thirty days notice thereof in all the public gazettes of this state: *Provided nevertheless,* that if in the opinion of said Commissioners or a majority of them, the states interest in the said lots should seem likely to be sacrificed for the want of demand or bidders, or for any other cause, it shall be the duty of said Commissioners to suspend the sales of lot or lots for which fair prices cannot be had, until some future day or days of sale, as they may think proper, after the like publication of notice to order.

Sec. 5. *And be it further enacted,* That the highest bidder for any lot or lots, authorised to be sold by this act, shall be the purchaser, who shall on the same day pay to the Commissioners aforesaid one-fifth part of the purchase money in cash, or in current bills of chartered banks of this state, on the payment of which the said Commissioners or a majority of them, shall give to such purchaser a certificate stating the amount paid, and the amount of the said purchase money then due, and to be paid in four equal annual instalments; which said certificates shall be transfer-

table by written assignment. And any purchaser failing to pay any instalment to the Treasurer of the state within sixty days after the same becomes due, shall forfeit the amount paid, and the lot or lots so purchased, shall revert to and become the property of the state. When the last instalment is paid, or whenever the purchaser pays the whole purchase money for such lot or lots agreeably to the face of said certificate given by the Commissioners aforesaid, it shall be the duty of his Excellency the Governor to cause a grant or grants to be made out in the name of the holder of said certificate agreeably to the laws now in force regulating grants; which said grant shall be delivered to the holder of said certificate on his or her paying into the Treasury of this state the sum of four dollars and fifty cents.

Sec. 6. *And be it further enacted,* That if in laying off said reserve any of the lines intersect or strike the public buildings in such manner as to divide the same into two or more lots, all the lots so separating and dividing the building improvements, shall be set up and sold together.

Sec. 7. *And be it further enacted,* That if any person or persons bidding for a lot or lots, and failing on the same day to comply with the provisions of the fifth section of this act, shall forfeit the right of having any further bid or bids cried by the Commissioners, and the said commissioners shall on the next day of sale put up and offer said lot or lots for sale, as though the same had not been previously bid off.

Sec. 8. *And be it further enacted,* That the aforesaid Commissioners before they enter on the duties of their office, shall give bond with one or more good and sufficient securities for the faithful performance of the duties required of them by this act, for the sum of five thousand dollars each, to be taken by the Governor, or by the Justices of the Inferior Court of any county where said Commissioners may reside, payable to his Excellency the Governor for the time being and his successors in office, which shall be deposited in the Executive Office; and the said Commissioners shall moreover take and subscribe the following oath, to be endorsed on their bonds:---“I do solemnly swear, that I will faithfully perform all the duties required of me as a Commissioner, agreeable to the true intent and meaning of an act to dispose of the McIntosh Reserves in

the county of Butts, and that I will further make a just and true return of my proceedings within thirty days after the expiration of said sales." And the aforesaid Commissioners shall be entitled to ask and receive at the time of making their returns, the sum of four dollars each, for every day they may be engaged in actual service; and in case either or the whole of said Commissioners shall neglect or refuse to make return and pay over to the Treasurer of this state within thirty days, the money which he or they may have received for the use of the state, together with the account of sales of said said lots, according to the provisions of this act, it shall be the duty of the Comptroller-General of this state immediately to issue execution against each defaulting Commissioner, or Commissioners, and his or their security for the penalty of their bond, directed to all and singular the sheriffs of said state, which execution shall be in the usual form, and shall have the same force and effect of such a writ when issued pursuant to the judgment of a court of record; but this summary process for detaining money shall in nowise exempt either of said Commissioners from an action at law or equity, for any other malfeasance in office.

IRBY HUDSON,

Speaker of the House of Representatives.

THOMAS STOCKS,

President of the Senate.

Assented to, Dec. 22, 1827.

JOHN FORSYTH, Governor.

AN ACT to authorise the Governor and Secretary of State to correct any errors that may have taken place, or may hereafter take place, in issuing any grant or grants in any of the land lotteries in this state.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority aforesaid, That from and after the passing of this act, the Governor and Secretary of State shall be authorised and required to have any error or errors corrected that may have taken place or

may hereafter take place in issuing any grant or grants for any lot or lots of land in any of the aforesaid land lotteries of this state, when the same may be presented at the proper offices for correction---any law to the contrary notwithstanding.

IRBY HUDSON,

Speaker of the House of Representatives,

THOMAS STOCKS,

President of the Senate.

Assented to Dec. 22, 1827.

JOHN FORSYTH, Governor.

AN ACT to legalise and make valid a certain grant of land heretofore issued to Robert A. Beall.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same. That a certain grant for one hundred acres of land lying in the county of Warren, which was issued on the nineteenth day of May, eighteen hundred and seventeen, under the authority of William Rabun, President and Commander in Chief of the Army and Navy of the State of Georgia, and of the Militia thereof; but to which grant the signature of the said William Rabun was omitted to be affixed, shall be held and considered as legal and valid to all intents and purposes, as if the signature of the said William Rabun had been thereto affixed---any law, usage, or custom to the contrary notwithstanding.

IRBY HUDSON,

Speaker of the House of Representatives,

THOMAS STOCKS,

President of the Senate.

Assented to, Dec. 18, 1827.

JOHN FORSYTH, Governor.

AN ACT to rent certain reserves and improvements in the late acquired territory, for the year eighteen hundred and twenty-eight.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That so soon as this bill shall become a law, there shall be appointed by the Governor one Commissioner for the counties of originally Lee, Troup and Muscogee, including the reserve at the Old Agency, in Houston and Dooly; and one Commissioner for the counties originally Coweta and Carrol, whose duty it shall be to rent out the Reserves, Ferries, and improved fractions in said territory, which may not be otherwise disposed of by the present Legislature.

Sec. 2 *And be it further enacted, That* said Commissioners shall on or before the first day of February next, rent out to the highest bidder all reserves, ferries, and improved fractions as aforesaid.

Sec. 3. *And be it further enacted, That* it shall be the duty of said Commissioners to appoint one or more places in each county where said reserves, ferries, and improved fractions shall be rented out, said Commissioners giving at least twenty days notice in all the public gazettes of Milledgeville and Macon of the time and place of such renting; and said Commissioners giving previous to entering on the discharge of their duties, bond and security in the sum of ten thousand dollars each, to his Excellency the Governor and his successors in office, for the faithful performance of their duties as Commissioners.

Sec. 4. *And be it further enacted, That* all notes given for the rent of said reserves, ferries, and improved fractions shall be made payable on the twenty-fifth day of December, eighteen hundred and twenty-eight, with approved security to his Excellency the Governor and his successors in office, which said notes shall be filed in the Comptroller's Office on or before the first day of next April, up to which time it may be lawful for said Commissioners to rent privately any of the improvements aforesaid, at the minimum prices, which had not been rented at the public renting.

Sec. 5. *And be it further enacted,* That said Commissioners shall receive five per cent. each on the amount of notes taken by them respectively in their several sections, and returned to the Comptroller as aforesaid, as a compensation for their services, to be retained out of the notes given by the persons renting reserves, fractions and ferries, as aforesaid.

Sec. 6. *And be it further enacted,* That the Comptroller General be and he is hereby authorised to transfer to said Commissioners notes to that amount returned by them respectively.

Sec. 7. *And be it further enacted,* That if any lessees shall be obstructed in taking possession of any of the lands before leased by them, the Governor shall cause the same to be removed, and the party renting, put in possession, and protected therein against any one who shall unlawfully oppose said possession.

Sec. 8. *And be it further enacted,* That if any one should refuse to give possession to the lessee on demand, said lessee shall recover by distress warrant monthly, double the amount of said lease from the person so keeping possession.

Sec. 9. *And be it further enacted,* That said Commissioners shall by inspection or otherwise, ascertain as nearly as they conveniently can, the real worth of said reserves, ferries and improved fractions, and place a minimum price thereon, under which said reserves, ferries and fractions shall not be rented.

Sec. 10. *And be it further enacted,* That if any person or persons shall occupy or continue in the possession of any of the above reserves, ferries or fractions, which did not command the minimum price, they shall be considered as taking the same at the minimum price, and upon their refusing to give note and security for the same, it shall be lawful for said Commissioners to make out an account for the same against said occupants in the name of the Governor of this state, and present the same to any Justice of the Inferior Court for the county, if beyond the jurisdiction of a Justice of the Peace, otherwise to a Justice of the

Peace, whose duty it shall be to issue instantan a distress warrant for the same, which may be levied on any property of the occupier.

IRBY HUDSON,

Speaker of the House of Representatives:

THOMAS STOCKS,

President of the Senate.

Assented to, Dec. 22, 1827.

JOHN FORSYTH, Governor.

AN ACT to sell and dispose of the States interest in lots of land in the late purchase, which have been or may hereafter be relinquished to the state, and such as have been or hereafter may be condemned as fraudulently drawn in the aforesaid purchase.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That the sheriffs in the several counties of the late acquired territory, be and they are hereby authorised and required to advertise and expose for sale to the highest bidder agreeable to the provisions of this act, all the states interest in lots of land which may have been, or hereafter may be relinquished to the state; and also all the states interest in lots of land which have been, or may hereafter be condemned as fraudulently drawn in the said purchase, at such times as his Excellency the Governor may prescribe.

Sec. 2. *And be it further enacted,* That whenever the said sheriffs shall receive instructions from the Surveyor to sell any lands or lots of land as aforesaid, it shall be their duty to advertise in two of the public gazettes of this state, and also at the court-house in the county where the land lies, at least thirty days before the day on which said lots are to be sold, setting forth the number and parts of such number, together with the district and county in which each lot may lie, together with the number of acres, also the hours on which the sale will open and close.

Sec. 3. *And be it further enacted,* That the highest bidder for any of the aforesaid lots, to which the state of Georgia has a right, shall pay to the sheriff aforesaid one-fourth of the purchase money in cash or current bank bills of this state, on the payment of which the said sheriff shall give

to such purchaser a certificate stating the amount paid, and the amount of such purchase money then due; and to be paid in three equal annual instalments, to be paid to the treasurer of this state, and to be attached to and form a part of the academy fund of this state.

Sec. 4. *And be it further enacted*, That if any purchaser shall fail to pay the treasurer of this state any instalment at the time the same may become due, or within sixty days thereafter, he shall forfeit the sum so paid, and the land shall revert to and become the property of this state, and be subject to be again sold as herein before directed.

Sec. 5. *And be it further enacted*, That when the last instalment shall have been paid agreeable to the said certificate given by the sheriff aforesaid, it shall be the duty of the Governor to cause a grant to be filled up in the name of the holder of the said certificate, on his or their paying the sum of six dollars.

Sec. 6. *And be it further enacted*, That within sixty days after the sales of said lots, the sheriffs aforesaid shall make a report of their proceedings to the treasury of this state, and pay over to him the money received, and deposit a schedule of the lots sold, the amount of sales, cash received, balance due for each lot and from whom due; and the sheriff shall receive as compensation for his services five per cent. on the amount received, to be drawn for by warrant from the Governor on the Treasurer of this state.

IRBY HUDSON,

Speaker of the House of Representatives.

THOMAS STOCKS,

President of the Senate.

Assented to, Dec. 24, 1827.

JOHN FORSYTH, Governor.

AN ACT to prevent the surveying or granting of certain lands, either under head rights, or in any other way; and for other purposes.

Whereas the dividing line between the State of Georgia and Florida, has not yet been run and marked, but when run, must be from the head or source of St. Marys river straight to the confluence of Flint and Chattahoochie

rivers--And whereas it is believed, that the said line must and of right ought to commence from the head or source of the south branch of St. Marys river, in which event a large portion of territory will be included within the limits of Camden county, and subject to be surveyed and granted as vacant lands :

Be it therefore enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That it shall not be lawful for any portion of the territory lying between a direct line from Ellicott's mound upon the north branch of St. Marys river, to the junction of the Flint and Chattahoochie rivers, and the dividing line which may hereafter be run and marked between the state of Georgia and Florida, to be surveyed and granted as vacant land, or in any other way, or for any other purpose, until provision therefor shall be made by law. And that all surveys which shall be so made, shall be and the same are hereby declared null and void.

*Sec. 2. And be it further enacted by the authority aforesaid, That when the said line shall be run and marked, if any portion of territory shall be included within the state of Georgia, which may be claimed and held under and by virtue of a grant or grants from the United States, upon purchases made previous to the passage of this act, then and in that case, the said grant or grants shall be, and they are hereby declared good and valid to all intents and purposes: *Provided*, the United States shall, and do within two years from the time of running and marking said line, pay to the state of Georgia, the amount for which the territory so held and granted may have been sold by the United States.*

IRBY HUDSON,

Speaker of the House of Representatives.

THOMAS STOCKS,

President of the Senate.

Assented to, Dec. 24, 1827.

JOHN FORSYTH, Governor.

AN ACT to give to informers, under the laws of this state disposing of the late acquired territory, who may take out of office the grant for lands drawn in consequence of fraudulent returns, the preference where there may be several sci. fas. filed in any of the courts of this State, against the same defendant or defendants.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passing of this act, that where there may be filed in any of the superior courts of this state several informations or writs of sci. facias at the instance of different informers against the same defendant or defendants, under and by virtue of the twenty-first section of an act, passed ninth June, eighteen hundred and twenty-five, to dispose of the late acquired territory; that in all such cases the informer or informers who may have taken out of office the grant for the land so returned as being fraudulently drawn, shall be entitled to the preference in proceeding against said defendants, and all other scire facias against the same defendant or defendants, shall be suspended until the sci fa of the informer or informers so taking out the grant shall be first disposed of.

Sec. 2. *Be it further enacted by authority of the same,* That in all cases where there may arise any contest between the several informers as to the fact of taking out of office the grant to the land returned, the certificate or certificates of the secretary of state, surveyor-general, comptroller-general, or treasurer, certifying by whom said grant was so taken out of office, shall be held, received, and deemed by said court as good and sufficient evidence as to the taking out of office such grant by the informer, and in case it shall appear that the grant to any lot of land returned as aforesaid, has been taken out of office by any person other than an informer, then the informer first filing his information shall be entitled to proceed first against the defendant or defendants.

Sec. 3. *Be it further enacted by authority of the same,* That in all cases where the person or persons taking out the grant to any such lot of land drawn as aforesaid, shall

fail to proceed against the drawer of the same or the defendant, by filing his information or sci fa in the office of the clerk of the superior court where the land lies, within two months after the date of such grant, then and after that time, the informer first filing his sci fa as aforesaid, shall be entitled first to proceed against the drawer or drawers, or defendant or defendants in such case, in preference to all other informers.

Sec. 4. *Be it further enacted*, That all laws or parts of laws repugnant to this act, be and the same are repealed.

IRBY HUDSON,

Speaker of the House of Representatives.

THOMAS STOCKS,

President of the Senate.

Assented to Dec. 26, 1827.

JOHN FORSYTH, Governor.

AN ACT to dispose of the residue of lands heretofore reserved for the use of the state.

Be it enacted by the Senate and House of Representatives of the state of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That there shall be elected by joint ballot of the legislature during the present session, five Commissioners, they or a majority of whom shall proceed agreeable to the provisions of this act, to sell the fractional parts of surveys, reservations and islands within the state, which have not heretofore been sold, or which may have reverted to the state by the default of former purchasers thereof, which said fractions, reserved lands, and islands, in the Chattahoochie river, shall be sold at the town of Milledgeville, commencing on the first Monday in November next, and continue from day to day (Sundays excepted) until all the fractions, reserved lands, and islands in the Chattahoochie river are sold: *Provided*, that nothing in this act shall authorise the commissioners aforesaid to commence said sales at an earlier hour than ten o'clock in the forenoon, or continue beyond the hour of two o'clock in the afternoon; and provided,

that no fractions, lots, or islands forfeited, shall be resold by said Commissioners, until after the said Commissioners shall have sold all other fractions, lots, and islands: *And provided*, nothing in this act shall be so construed as to authorise the selling any fractions on the Florida line.

Sec. 2. *And be it further enacted*, That the said Commissioners shall before they enter on the duties required of them by this act; give bond with two or more good and sufficient securities in the sum of ten thousand dollars each, payable to his Excellency the Governor for the time being and his successors in office, which said bond shall be taken by the Governor, or any two or more Justices of the Inferior court where the said Commissioners may reside, which said bond shall be deposited in the Executive Office, and the said Commissioners shall moreover take and subscribe the following oath, to be endorsed on the back of said bond: "I do solemnly swear, that I will faithfully perform all the duties required of me as a Commissioner, agreeable to the true intent and meaning of the act authorising the sale of fractions, reservations, and islands in the Chattahoochie river; that I will make a just and true return of my proceedings, pay over to the treasurer of this state, all monies received by me on account of said sales, and deposit in the Comptroller-General's office, a correct account of all such sales, within thirty days after the expiration of said sales."

Sec. 3 *And be it further enacted*, That his Excellency the Governor be and he is hereby authorised previous to the day of sale, to appoint some fit and proper person or persons to survey and lay off into tracts of two hundred two and a half acres each, the three reservations of Michel, Buch, and James Barnard; the reservation at the Old Agency, on Flint river, and Marshall's reserve; and where the said reserves cannot be laid off into square tracts, the fractions so made shall be attached to and sold with the lot or square tract of land adjoining the same, and the McIntosh reserve on the Chattahoochie river shall be sold in two separate lots or tracts as the same is now divided by the river aforesaid.

Sec. 4. *And be it further enacted*, That the highest bidder for any fraction or fractions, lot or lots of land, or islands, authorised to be sold by this act, shall be the pur-

chaser, who shall pay to the Commissioners aforesaid one fifth part of the purchase money in specie, or current bills of any chartered bank in this state, on the payment of which the said Commissioners or a majority of them shall give to such purchaser a certificate stating the amount paid and the amount of said purchase money then due, and to be paid in four equal annual instalments.

Sec. 5. *And be it further enacted*, That any purchaser failing to pay any instalment to the treasurer within sixty days after the same becomes due; shall forfeit the amount paid, and said lands shall revert to and become the property of the state.

Sec. 6. *And be it further enacted*, That when the last instalment is paid agreeable to the face of said certificate given by the Commissioners aforesaid, it shall be the duty of his Excellency the Governor to cause a grant or grants to be made out in the name of the holder of said certificate agreeable to the laws now in force regulating grants, which said grant shall be given to the holder of said certificate or certificates, on his or her paying the sum of four dollars and fifty cents into the treasury of this state for office fees.

Sec. 7. *And be it further enacted*, That any person or persons bidding for fractions, lots, or islands, as aforesaid and failing to comply with the provisions of the fourth section of this act, shall forfeit the right of having any further bid or bids cried by the Commissioners; and said Commissioners shall on the next day of sale put up and offer said fraction, lot or island for sale as though it had not been previously bid off.

Sec. 8. *And be it further enacted*, That the surveyor-general shall furnish the Commissioners twenty days previous to the commencement of said sale, with a map of the aforesaid fractional surveys and lots intended by this act to be sold; with the number of each lot of land joining said fraction; for which he shall receive an adequate compensation, to be provided for by a future Legislature.

Sec. 9. *And be it further enacted*, That the said Commissioners shall commence the sale of said fractions, lots, and islands aforesaid, by offering for sale the lowest numbered fraction in the lowest numbered district, in numerical order; and the said Commissioners shall receive for their services four dollars each per day for the time they are em-

ployed in discharging the duties required of them by this act.

Sec. 10. *And be it further enacted*, That the said Commissioners shall advertise in one of the public gazettes of Savannah, Augusta, Milledgeville, Athens, Darien, and Macon, sixty days before the commencement of said sales the time of their commencement, specially pointing out the days on which the fractional surveys, lots, and islands in each district will be offered for sale.

Sec. 11. *And be it further enacted*, That the certificates granted under this act shall be transferable, and any legal holder of any certificate for any fraction, or fractions, lot or lots, island or islands, shall be authorised, on paying into the treasury of this state the full amount of the purchase money, to have the interest of the amount unpaid deducted from the original amount, and on producing the treasurer's receipt, he or she shall be entitled to receive a grant or grants for the same, on the payment of the office fees provided for by this act.

Sec. 12. *And be it further enacted*, That this act shall not be so construed as to embrace any lands or reserves at Milledgeville, Macon, the reservation at the Coweta Falls on the Chattahoochie river, or McIntosh's Reserves in the county of Butts.

IRBY HUDSON,

Speaker of the House of Representatives,

THOMAS STOCKS,

President of the Senate,

Assented to Dec. 22, 1827.

JOHN FORSYTH, Governor.

Lotteries.

AN ACT to authorise certain Commissioners therein named, to establish a lottery for the purpose of raising the sum of fifteen thousand dollars, to be appropriated to the building of a Masonic Hall in the town of Macon.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That it may and shall be lawful for the Commissioners hereinafter named, to establish a lottery within one year after the passage of this act, to raise the sum of fifteen thousand dollars, under such scheme and regulations as they or a majority of them may deem necessary and proper, for the purpose of building a Masonic Hall within the Town of Macon.

Sec. 2. *And be it further enacted,* That John T. Rowland, Henry G. Lamar, William J. Dannelly, David Ralston, Thomas King, Asahel R. Freeman, Sumner Stone, Edward Wright, and Robert Birdsong, be and they are hereby appointed Commissioners to carry the aforesaid Lottery into effect.

IRBY HUDSON,

Speaker of the House of Representatives.

THOMAS STOCKS,

President of the Senate.

Assented to Dec. 22, 1827.

JOHN FORSYTH, Governor,

AN ACT to authorise certain Commissioners therein named to raise by lottery the sum therein specified, for the purpose of building a Masonic Hall in the Town of Monroe, Walton county.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That the Commissioners hereinafter named, be authorised to raise within three years from and after the passage of this act, the sum of five thousand dollars, under such scheme and regulations as they or a majority of them shall deem meet and necessary, to be by said Commissioners appropriated to the building of a Masonic Hall in the Town of Monroe, Walton county.

Sec. 2. *And be it enacted by the authority aforesaid, That Hampton W. Hill, Francis S. Colly, Charles D. Davis, Robert H. Weston, Jesse M. Butt, Elijah B. Arnold, Elisha Betts, and Reuben Ransom, be and they are hereby appointed Commissioners and vested with full powers for carrying said Lottery into effect.*

IRBY HUDSON,

Speaker of the House of Representatives,

THOMAS STOCKS,

President of the Senate,

Assented to Dec. 22, 1827.

JOHN FORSYTH, Governor.

Militia.

AN ACT to authorise an additional volunteer company of riflemen in the county of Hall.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That the county of Hall shall be allowed an additional volunteer company of riflemen, and when organized and equipped according to law, the officers thereof shall be commissioned by his Excellency the Governor, and the said volunteer company shall be subject to the same rules, regulations and restrictions as prescribed by law, for like volunteer companies of militia in this state; any law to the contrary notwithstanding.

IRBY HUDSON,

Speaker of the House of Representatives.

THOMAS STOCKS,

President of the Senate.

Assented to, Dec. 19, 1827.

JOHN FORSYTH, Governor.

AN ACT to repeal so much of the 22d section of an act, entitled, "an act to revise and consolidate the militia laws of this state, and to repeal the cavalry laws now in force," passed the 19th December, 1818, as requires the senior officer present at all courts of inquiry to preside.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That so much of the before recited act as requires the senior officer present at all courts of enquiry to preside, be and the same is hereby repealed.

Sec. 2. *And be it further enacted*, That at all courts of inquiry hereafter to be held in this state, the officer being the highest in commission, present, shall preside, and when two or more of the highest and same grade are present at the same court of inquiry, then the senior of such officers shall preside; any law, usage or custom to the contrary notwithstanding.

IRBY HUDSON,

Speaker of the House of Representatives.

THOMAS STOCKS,

President of the Senate.

Assented to, Dec. 22, 1827.

JOHN FORSYTH, Governor.

AN ACT to create a new division of Georgia Militia.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same. That from and after the passing of this act, the counties of Monroe, Upson and Butts, which includes the third brigade of the fifth division, and the counties of Crawford, Bibb, Houston and Dooly, which includes the third brigade of the sixth division of Georgia militia, form a new division to be known by the eighth division of Georgia militia.

IRBY HUDSON,

Speaker of the House of Representatives.

THOMAS STOCKS,

President of the Senate.

Assented to, 4th Dec. 1827.

JOHN FORSYTH, Governor.

AN ACT to create and define a new division of militia and the two brigades which shall form the same, in the territory lately acquired from the Creek Indians, lying between the Flint and Chattahoochee rivers, and west of the Chattahoochee river.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and by the authority aforesaid it is hereby enacted, That from and after the passing of this act, the counties of Coweta, Carrol, Troup, Merriwether, Harris, Talbot, Muscogee, Marion and Lee be, and the same are hereby formed into a new division, to be known as the ninth division of Georgia.

Sec. 2. *And be it further enacted by the authority aforesaid, That the counties of Coweta, Carrol, Troup and Merriwether shall form the first brigade of the ninth division, and the counties of Harris, Talbot, Muscogee, Marion and Lee shall form the second brigade of said division.*

IRBY HUDSON,

Speaker of the House of Representatives.

THOMAS STOCKS,

President of the Senate.

Assented to, Dec. 21, 1827.

JOHN FORSYTH, Governor.

Relief Laws.

AN ACT to repeal an act, entitled "an act for inflicting penalties on and confiscating the estates of such persons as are therein declared guilty of treason and for other purposes therein mentioned," so far as relates to the banishment of Lewis Johnson, junior.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met,
That so much of the act, entitled "an act for inflicting penalties on and confiscating the estates of such persons as are therein declared guilty of treason and for other purposes therein mentioned," passed at Savannah on the fourth of May, one thousand seven hundred and eighty-two, as respects the banishment of Lewis Johnson, junior, be and the same is hereby repealed.

IRBY HUDSON,

Speaker of the House of Representatives.

THOMAS STOCKS,

President of the Senate.

Assented to, Dec. 17, 1827.

JOHN FORSYTH, Governor.

AN ACT for the relief of the securities of the Unicoi Turnpike Company.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same,
That the suit commenced against the securities of the said company, for the three thousand dollars loaned them by the State of Georgia, be staid until the said securities have an opportunity to indemnify and secure themselves in the said amount from their principals, or until further ordered by the Legislature: *Provided* said securities upon

the staying of said suit, shall give such other and further security as the Solicitor General of the circuit, in which the same may be pending, shall think necessary and sufficient for securing said sum for the state.

IRI Y HUDSON,

Speaker of the House of Representatives.

THOMAS STOCKS,

President of the Senate.

Assented to, Dec. 24, 1827.

JOHN FORSYTH, Governor.

AN ACT to vest in Felix Lewis and wife, all the estate both real and personal of John W. H. Hobson, dec'd.

Whereas the late John W. H. Hobson was in his lifetime by the laws of this state, an illegitimate offspring of his mother, and at his death left an estate both real and personal, and one only child, which child has since died intestate and without issue, and some doubts are entertained whether the interest or share of such child in the intestate of said John W. H. Hobson who died intestate, would not escheat in favor of the state.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That all the estate both real and personal of John W. H. Hobson, dec'd. and of his only child, who died intestate and without issue, should be vested in Felix Lewis, who has intermarried with Mary P. Hobson, widow and relict of John W. H. Hobson the intestate, as far forth as any right or interest might escheat in favor of the state: Provided, That nothing in this act shall be construed to affect the rights of any individual whatsoever.

IRBY HUDSON,

Speaker of the House of Representatives.

THOMAS STOCKS,

President of the Senate.

Assented to Dec. 24, 1827.

JOHN FORSYTH, Governor.

AN ACT to give to Masons and Carpenters in Richmond and Chatham counties, an incumbrance for debts due on account of work done and materials furnished in building or repairing houses, on such houses and the premises to which they may be attached.

*Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That all debts which may hereafter become due to any mason or carpenter in the counties of Richmond and Chatham, for work done or materials furnished in building or repairing any house, shall constitute and be an incumbrance on such house and the premises to which it shall be attached, superior in dignity to and of higher claim than any other incumbrance whatever, no matter of what nature or sort the same may be, or of what age soever; which incumbrance shall be binding on such house and premises in the hands of any purchaser or assignee thereof: *Provided* at the time of purchase or assignment, the purchaser or assignee had notice, either directly or indirectly of the existence of the incumbrance.*

Sec. 2d. And in order that the incumbrance created by this act may not affect the value of any house and the premises to which it may belong to be sold by legal process: *Be it further enacted.* That whenever any house and lot or house and lands subject to such incumbrance, shall be seized and sold by authority of any process or decree of any court in this state, the same shall pass to the purchaser free from the incumbrance, which shall attach to the proceeds of the sale in the hands of the officer making it, on a notice as in cases of claim to money raised under execution, which claim shall be returned to the court by the said officer.

Sec. 3. *And be it further enacted,* That in the event of the claim so set up, being disputed, the court to which the return is made shall retain the amount thereof in the hands of the clerk and order an issue to be made up to try the validity of the claim; upon the trial of which issue, should it be determined against the claimant, he

AN ACT for the relief of Lewis Lynch.

Whereas at the last session of the Legislature a law was passed allowing two draws to the said Lewis Lynch in the late land lottery, and directed that the Governor cause his name to be entered for the same, on the list of persons entitled to draws, and in carrying said act into effect, without any agency whatever of the said Lewis Lynch, the public officers made a mistake and put his name in the wheel for three draws, and that he has drawn three lots of land in the following order, to-wit: No. 103, in the 8th district of Troup, No. 219, in the second district of Muscogee, and No. 118, in the 24th district of Muscogee---for remedy whereof,

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and by the authority of the same it is hereby enacted, That the said Lewis Lynch shall be entitled to, and have his titles confirmed to the two first named lots, they being first drawn by him, upon his relinquishing all right, title, and interest whatever to the state of Georgia for the last mentioned lot, to-wit: No. 118, in the 24th district of Muscogee---any law to the contrary notwithstanding.

IRBY HUDSON,

Speaker of the House of Representatives.

THOMAS STOCKS,

President of the Senate.

Assented to Dec. 24, 1827.

JOHN FORSYTH, Governor.

AN ACT to alter and change the names of Samuel Standifer and William Williams.

Be it enacted by the senate and house of representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passage of this act, the name of Samuel Standifer of DeKalb county, shall be changed to that of Samuel Sheep.

Sec. 2. And be it further enacted by the authority aforesaid. That the name of William Williams of the said county of DeKalb, shall be altered or changed to that of William Collier Williams---any law, usage or custom to the contrary notwithstanding.

IRBY HUDSON,

Speaker of the House of Representatives.

THOMAS STOCKS,

President of the Senate.

Assented to, Dec. 17, 1827.

JOHN FORSYTH, Governor.

AN ACT to change the names of Ezekiel Whitfield and Sarah Whitfield, of the county of Burke, to that of Ezekiel Williams and Sarah Williams; and James Martin of Hall county, to that of James Dobbins.

Be it enacted by the senate and house of representatives of the state of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passage of this act, the said Ezekiel Whitfield and Sarah Whitfield shall be known and called by the names of Ezekiel Williams and Sarah Williams---any law to the contrary notwithstanding.

Sec. 2. And be it further enacted by the authority aforesaid, That the name of James Martin, of Hall county, shall in future be known and called by the name of James Dobbins---any law to the contrary notwithstanding.

IRBY HUDSON,

Speaker of the House of Representatives.

THOMAS STOCKS,

President of the Senate.

Assented to Dec. 17, 1827.

JOHN FORSYTH, Governor.

AN ACT to explain and amend an act to vest the states interest in the property of Joel Music, late of Burke county, deceased, in the sisters of said deceased.

Whereas in the above recited act, the name of Joel Music was by mistake inserted John Music, whereby the object intended to be effected by the said bill, has been defeated---for remedy whereof,

Be it enacted by the Senate and House of Representatives of the State of Georgia, That from and after the passage of this act, all the property real and personal, of the said Joel Music, shall be and the same is hereby vested in the sisters of the said Joel Music, deceased---any law to the contrary notwithstanding.

IRBY HUDSON,

Speaker of the House of Representatives.

THOMAS STOCKS,

President of the Senate.

Assented to Dec. 24, 1827.

JOHN FORSYTH, Governor.

AN ACT for the relief of persons in certain cases, who have purchased any part of the states interest in lots which have been condemned as fraudulently drawn, within the counties of Bibb, Houston, Crawford, Monroe, Upson, Pike, Henry, Fayette, DeKalb, Butts and Newton.

Whereas many persons purchasers of the states interest in lands referred to in the act passed on the 24th of December, 1825, entitled "An act to sell and dispose of the states interest in lots which have been condemned as fraudulently drawn, within the counties of Bibb, Houston, Crawford, Monroe, Upson, Pike, Henry, Fayette, DeKalb, Butts, and Newton, have not complied strictly with their contracts, whereby they have under the provisions of the fourth section of said act forfeited the sums paid by

them respectively, and the lands purchased have reverted to the state; for remedy whereof,

Be it enacted by the Senate and House of Representatives of the state of Georgia in General Assembly met, That if any persons or person who have become subject and liable to the said forfeitures, shall and do well and truly pay or cause to be paid the full amount of principal and interest now due and payable, within sixty days from and after passing of this act, the persons or person so paying shall be exonerated and relieved from all and every the forfeitures provided for by the said fourth section of the said act, to all intents and purposes, as if such forfeitures had never been incurred.

SEC. 2. *And be it further enacted,* That all laws contrary to the true intent and meaning of this act be and the same are hereby repealed.

IRBY HUDSON,

Speaker of the House of Representatives.

THOMAS STOCKS,

President of the Senate.

Assented to Dec. 22, 1827.

JOHN FORSYTH, Governor.

AN ACT to give further time to purchasers of Fractions, Lots, or Islands, at the late sales of fractions, to pay for their lands.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That all purchasers or holders of certificates of fractional parts of surveys, lots or islands, at any of the late sales, lying or being formerly in the counties of Henry, Fayette, Newton, Monroe, Houston, DeKalb, Dooly, Upson, Pike, Bibb, Decatur, Crawford, Irwin, Early, Appling, Telfair, Rabun, Hall, Habersham, Gwinnett, and Walton, shall or may be indulged twelve months, after the twenty-fifth day of July next, by paying up two-thirds of the original purchase money, with all interest due thereon, by the twenty-fifth day of July next.

Sec. 2 *And be it enacted by the authority aforesaid,* That all those whose lands may have become forfeited to the state of Georgia by failure of payment, may be complying with the requisitions of this act, be entitled to all the benefits thereof.

Sec. 3. *And it is further enacted by the authority aforesaid,* That the same indulgence be extended and granted to the purchasers of lots in the town of Macon, upon the above named terms and conditions.

Sec. 4. *And be it further enacted,* That all laws and parts of laws militating against this act, be and the same are hereby repealed.

IRBY HUDSON,

Speaker of the House of Representatives.

THOMAS STOCKS,

President of the Senate.

Assented to Dec. 22, 1827.

JOHN FORSYTH, Governor.

AN ACT to change the name of John Wesley McGhough to the name of John Wesley Searcy, and to entitle him to a distributive share of Benj. R. Searcy's estate.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That the name John Wesley McGhough be, and the same is hereby changed to the name of John Wesley Searcy, and he shall be deemed held and considered to be legally entitled to a distributive share of the property and estate of Benjamin R. Searcy, his step father, to all intents and purposes equally with the other children of the said Benjamin R. Searcy, in case the said Benjamin R. Searcy shall die intestate---any law, usage, or custom to the contrary in any wise notwithstanding.

IRBY HUDSON,

Speaker of the House of Representatives.

THOMAS STOCKS,

President of the Senate.

Assented to Dec. 18, 1827.

JOHN FORSYTH, Governor.

AN ACT to authorise Obediah C. Gibson, of Warren county, to plead and practice law in the several courts of law and equity in this state.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, That after the passing of this act, the said Obediah C. Gibson shall be admitted to plead and practice law in the several courts of law and equity in this state, on his undergoing an examination in the mode now pointed out, and being found qualified; any law, custom or usage to the contrary notwithstanding.

IRBY HUDSON,

Speaker of the House of Representatives.

THOMAS STOCKS,

President of the Senate.

Assented to, Dec. 22, 1827.

JOHN FORSYTH, Governor.

AN ACT to change the name of Sarah Tanner to that of Sarah Brown, and to establish her in all the rights of one born in lawful wedlock.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That Sarah Tanner, of the county of Washington, the adopted and illegitimate daughter of the late Garrotte Brown, shall after the passing of this act, assume and be known by the name of her late father and be called Sarah Brown.

Sec. 2. *And be it further enacted,* That the said Sarah Tanner shall have and be entitled to all the rights to which she would have been if she had been born in lawful wedlock the child of the said Garrotte Brown, and have and take by descent or distribution any estate real or personal to which she may hereafter be entitled to as such child, in the same manner as she would have done if born in lawful wedlock.

IRBY HUDSON,

Speaker of the House of Representatives.

THOMAS STOCKS,

President of the Senate.

Assented to, Dec. 20, 1827.

JOHN FORSYTH, Governor.

AN ACT to legitimize and change the names of certain persons.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and by the authority of the same it is hereby enacted. That from and after the passage of this act, Mary Flowers, Stephen Flowers, Rachel Flowers, Ephraim Flowers, Nancy Flowers, William Flowers, Martha Flowers, Jane Flowers, Robert Flowers and Sarah Flowers shall be known and called by the name of Mary Philips, Stephen Philips, Rachel Philips, Ephraim Philips, Nancy Philips, William Philips, Martha Philips, Jane Philips, Robert Philips, and Sarah Philips, and that Drewry Taylor and Martha shall be known and called by the names of Drewry Philips and Martha Philips; and that the several persons aforesaid shall be, and they are hereby declared to be fully and completely legitimised and entitled to all the rights and legal privileges that they would have been entitled to had they been born in lawful wedlock, and shall be capable of inheriting all manner of property by virtue of the statute of distribution, so far as relates to the estate of Ephraim Philips, (their reputed father:) *Provided* this act shall not be construed to exclude but to participate with any of the legal representatives of the said Ephraim Philips.

Sec. 2 And be it further enacted. That Albird May shall be known by the name of Albird Davidson, and that he is hereby declared to be fully and completely legitimated and entitled to all the rights and legal privileges that he would have been had he been born in lawful wedlock, and be fully capable of taking, inheriting, and recovering all manner of property by virtue of the statute of distributions of this state, so far as relates to the real or personal estate of John Davidson, the reputed father of the said Albird May to all intents and purposes; any thing to the contrary notwithstanding.

Sec. 3. And be it further enacted, That the names of William Green Dixon, Anna Dixon and Henry Dixon, be and the same are hereby changed to that of William Green Reid, Anna Reid and Henry Reid, and is such shall be known and called in law, and the said William

Green, Anna and Henry Reid, are hereby declared to be fully and completely legitimized, and entitled to all the rights and legal privileges that they would have been had they been born in lawful wedlock, and be fully capable of taking, inheriting and receiving all manner of property by virtue of the statute of distribution of this state, so far as relates to the real and personal estate of Henry Reid, the irreputed father : *Provided* the same shall only be construed to place the said William Green, Anna and Henry Reid on equal grounds and not to the exclusion of any other of the legitimate heirs of the said Henry Reid : any thing to the contrary notwithstanding.

Sec. 4. *And be further enacted*, That from and after the passage of this act, Delia Ann McGee shall be known in law by the name of Delia Ann M. Strickling, and she is hereby declared to be fully and completely legitimated and entitled to all the rights and privileges as if she had been born in lawful wedlock, and be capable of inheriting all manner of property by virtue of the statute of distribution so far as relates to the real and personal estate of Lewis M. Strickling, her reputed father ; any law to the contrary notwithstanding.

Sec. 5. *And be it further enacted*, That from and after the passage of this act, Malinda Lyon shall be known by the name of Malinda Roberts, and that she is hereby declared to be fully and completely legitimated and entitled to all the rights and legal privileges that she would have been, had she been born in lawful wedlock, and be fully capable of taking and inheriting and receiving all manner of property by virtue of the statute of distribution of this state, so far as relates to the real or personal estate of George Roberts, the reputed father of the said Malinda Lyon, to all intents and purposes ; any thing to the contrary notwithstanding.

Sec. 6. *And be it further enacted*, That Martin Sault shall be known and distinguished in law by the name of Martin Shuman ; any thing to the contrary notwithstanding.

Sec. 7. *And be it further enacted*, That Leonidas Wiley Ray, of Twiggs county, shall be known in law by the name of Leonidas Wiley Blackshear, John Bevers, of Morgan county, by the name of John Jackson, James Thompson Phelps, by the name of James Thompson

Bevell, Granvill Phelps by the name of Granvill Bevell, George Kitchens, of Warren county, by the name of George McCormick, Malinda Lyon, of Columbia county, by the name of Malinda Roberts, and Daniel Marcus, by the name of Jefferson Troup Patterson; any thing to the contrary notwithstanding.

Sec. 8. *And be it further enacted*, That the name of Martha Lavina Belloma be changed to that of Martha Lavina Daniell, and that she be declared to be legitimized and capable in law to inherit of the real or personal estate of William B. Daniel, her reputed father, as fully as if she had been born in lawful wedlock; any law to the contrary notwithstanding.

IRBY HUDSON,

Speaker of the House of Representatives.

THOMAS STOCKS,

President of the Senate.

Assented to, Dec. 22, 1827.

JOHN FORSYTH, Governor.

AN ACT for the relief of the citizens of the county of Tattnall.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That from and immediately after the passage of this act, that on all days that the citizens of the county of Tattnall shall be required to attend at the court house in said county to perform public duty, it shall be lawful for them attending as aforesaid, to pass free of any charge across the river Ohoopy at the court house in said county, and it is hereby made the duty of the Inferior court of the county of Tattnall to make the necessary arrangements with the owner of said ferry or otherwise, as shall secure to them the right of crossing as aforesaid, free from any charge.

IRBY HUDSON,

Speaker of the House of Representatives.

THOMAS STOCKS,

President of the Senate.

Assented to Dec. 18, 1827.

JOHN FORSYTH, Governor.

AN ACT to authorise James A. Dunlap, of the town of Quincy, in the county of Gadsden, Territory of Middle Florida, and Edgar Macon, of Tallahassee, to plead and practice law as attorneys, counsellors and solicitors, in the several courts of law and equity in this state,

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That from and immediately after the passing of this act, that any of the superior courts of this state may admit the aforesaid James A. Dunlap, and Edgar Macon, of Tallahassee, to plead and practice law as attorneys, counsellors and solicitors, in the several courts of law and equity in this state, upon the said James and Edgar furnishing satisfactory evidence to said court of their having been regularly admitted to plead and practice law in the superior courts of any of the states of the United States, or the Territory of Florida, and of their good moral character.

IRBY HUDSON,

Speaker of the House of Representatives.

THOMAS STOCKS,

President of the Senate.

Assented to, Dec. 22, 1827.

JOHN FORSYTH, Governor.

AN ACT to extend the time for fortunate drawers in the land lotteries of eighteen hundred and eighteen, eighteen hundred and nineteen, and eighteen hundred and twenty-one, to take out their grants, and for other purposes.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and by the authority of the same it is hereby enacted, That all and every person who was a fortunate drawer in the land lottery by authority of the act passed the 15th day of December, 1818, and by authority of an act passed

the 16th day of December, 1819, shall have until the 25th day of December, 1828, to take out his, her or their grant or grants, for the land drawn by him, her or them for the same, on paying into the Treasury of this state the sum of eight dollars.

Sec. 2. And be it further enacted, That all and every person or persons who was a fortunate drawer in the land lottery by authority of the act passed the 15th day of May, in the year 1821, shall have until the 25th day of December, 1828, to take out his, her or their grant or grants, for the land drawn by him, her or them, agreeable to the provisions of the 20th section of the said act of 1821, on paying into the treasury of this state the sum of eight dollars.

Sec. 3. And be it further enacted by the authority aforesaid, That after the 25th day of December, 1828, any person or persons, citizens of this state, who shall apply at the necessary offices, may take out and receive in his, her, or their own name or names, a grant or grants for any lot or lots of land in the said lotteries by authority of the act passed the 15th day of December, 1818, or by authority of the act passed the 16th day of December, 1819, which shall not then be granted, on paying into the treasury of this state the sum of one hundred dollars on each grant, including the usual fees.

Sec. 4 And be it further enacted; That from and after the 25th day of April, 1829, it shall and may be lawful for any person or persons, citizens of this state, who shall apply at the necessary offices, to take out in his, her or their name or names, a grant or grants for any lot or lots of land which shall not then be granted in the territory named in the third section of this act, on paying into the treasury of this state the sum of fifty dollars, including the usual fees.

Sec. 5. And be it further enacted, That from and after the 25th day of August, 1829, it shall and may be lawful for any person or persons, citizens of this state, who shall apply at the necessary offices, to receive a grant or grants in his, her or their own name, for any lot or lots of land in the before recited lotteries, in said third section of this act, which shall not then be granted on paying into the treasury of this state the sum of twenty-five dollars, including the usual fees.

Sec. 6. *And be it further enacted,* That nothing in this act shall be so construed as to authorise any person to receive a grant for any lot of land drawn by any orphan or family of orphans, nor shall the same be done until three years after the youngest of said orphans arrives at the age of twenty-one, nor to any lots drawn by persons who are deceased since said lotteries, where there is no administration on their estate, and where there is, not until three years from the said 25th December, 1818, nor to any of the lots number ten and one hundred, set apart for the purposes of public education, and that all grants which may issue contrary to the true intent and meaning of this act shall be null and void: any law heretofore passed, to the contrary notwithstanding.

IRBY HUDSON,

Speaker of the House of Representatives.

THOMAS STOCKS,

President of the Senate.

Assented to, Dec. 22, 1827.

JOHN FORSYTH, Governor.

AN ACT for the relief of the securities of William P. Reid, one of the District Surveyors of the late acquired territory.

Whereas it appears by information lodged in the Executive Department, that district number one, in Muscogee county has been inaccurately surveyed, or that there is some error in platting the said district—for remedy whereof,

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same. That William P. Reid, the surveyor of said district and his securities, Patrick J. Murry and Andrew Thompson, or either of them, be allowed the privilege to correct the same, by going to the said district, if the error has happened in the surveying the same, and there at his or their own expence, re-survey said district, and upon detecting any error in the original survey, they or either of them be permitted to correct the same, and return their revised

survey to the Surveyor General, on or before the first day of July next, and if the said error has occurred in plotting said district, that the said William P. Reid or his securities, or either of them, be permitted to correct the same by comparing his field notes with the general plat or map of said district and if the said error is detected in said plan by said comparison and can be corrected without re-platting the whole of said district, that they or either of them be permitted to make said correction; and if said error cannot be corrected without re platting the whole district, that they all be permitted to make and return another general plan or map of said district, revised and corrected, on or before the first day of August next.

Sec. 2. *And be it further enacted*, That until the aforesaid error is corrected, his Excellency the Governor be requested to suspend granting the lots of land drawn in said first district of Muscogee county.

IRBY HUDSON,

Speaker of the House of Representatives.

THOMAS STOCKS,

President of the Senate.

Assented to, Dec. 18, 1827.

JOHN FORSYTH, Governor.

AN ACT for the relief of renters of public property in the counties of Lee, Muscogee, Troup, Coweta and Carroll, and the reserve at the Old Agency on Flint river, and renters of public property on the reserve at Macon in the county of Bibb.

Whereas from the unusual freshets in the rivers and creeks of the late acquired territory, and the loss and damage sustained from many circumstances consequent on the situation of the country, a serious injury has been sustained by the renters of public lands—Therefore,

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That an indulgence of twelve months be given to the persons who have rented public property in the counties of

Lee, Muscogee, Troup, Coweta and Carroll and the reserve at the Old Agency on Flint river, for the year eighteen hundred and twenty-seven, by their paying one-fourth of the amount due thereon by the first day of May next, and giving satisfactory security to the Comptroller General.

Sec. 2. *And be it further enacted by the authority aforesaid*, That all those who rented public property on the reserve in the county of Bibb be, and they are hereby indulged for and during the term of twelve months, upon paying of one fourth of the principal sum due by the first day of February next, and giving additional bond and security for the balance due.

IRBY HUDSON,

Speaker of the House of Representatives.

THOMAS STOCKS,

President of the Senate.

Assented to, Dec. 21, 1827.

JOHN FORSYTH, Governor.

AN ACT for the relief of Margaret Smith.

Whereas the said Margaret Smith, widow, was by law entitled to one draw in the late land lottery of this state, but by mistake her name was entered as entitled to two draws, and it appears that in fact she did draw two tracts or lots of land.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, That the said Margaret Smith be, and she is entitled to lot number one hundred and sixty-three, in the fifth district of the third section of the territory lately disposed of by lottery, it being the first lot drawn by her, and that the same be vested in her, her heirs and assigns forever: *Provided* that nothing herein contained shall relieve the said Margaret Smith from any pains, forfeitures or penalties to which she may be subject or liable from any fraud or irregularity other than that of her name having been entered for two draws instead of one: *And provided also*, That the said Margaret Smith shall execute a full and

absolute release to the state of all claims to lot number two hundred and thirty six, in the twenty fifth section, in the first division of the lately acquired territory.

IRBY HUDSON,

Speaker of the House of Representatives.

THOMAS S. OCKS,

President of the Senate.

Assented to, Dec. 22, 1827.

JOHN FORSYTH, Governor.

AN ACT for the relief of certain drawers in the recent
Land Lottery.

Whereas many mistakes from bad spelling and transcribing the names of persons entitled to a draw or draws in the said lottery does exist, to wit: in the counties of Lee, Muscogee, Troup, Coweta and Carroll—for remedy whereof,

*Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That whenever it shall satisfactorily appear that a mistake has been committed either by the commissioners, their clerks, or the person originally registering their names in the different counties, it shall be the duty of his Excellency the Governor and he is hereby required to order such alteration made as will secure to the bona fide drawer, his right, his heirs or devisees, according to the justice of the case and the truth of the matter; and all grants which may issue in consequence of such mistake, thereby be null and void: *Provided however* the holding of such grant or grants issued through mistake do return the same to the Executive; his Excellency the Governor is authorised and required to refund to such grant holder the sum of money paid as office fees, and he shall then cause the true name to be inserted therein in the records of the different offices, which grants when so altered, shall be good and valid in law; any thing to the contrary notwithstanding:*

And provided also, That nothing herein contained shall deprive the state of its proper fees on the grant or grants that may be so corrected and issued from the proper grantees.

IRBY HUDSON,
Speaker of the House of Representatives.
THOMAS STOCKS,
President of the Senate.

Assented to Dec. 22, 1827.

JOHN FORSYTH, Governor.

ROADS, BRIDGES AND FERRIES.

AN ACT to grant to Thomas Spalding and his associates, the right of constructing a rail road of wood or digging a canal from the Ocmulgee to the Flint river, with certain privileges.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That Thomas Spalding and such persons as he may associate with himself, being citizens of the United States, be authorised to cut a canal or construct a rail road of wood from the Ocmulgee to the Flint river, from and to such points as they may deem most proper and fit.

Sec. 2 *And be it further enacted,* That the said Thomas Spalding and his associates shall have power to purchase in fee simple, such land as may be necessary for the constructing and completing the said rail road or canal, and in case of disagreement as to the price of the land so taken, between the owner or owners thereof and the said Thomas Spalding and his associates, such disagreement is to be determined by the award of three sworn appraisers to be chosen, one by the said land owner, one

by the said Thomas Spalding and his associates, and one who shall be appointed by the Inferior court of the county, with the right of appeal to either party to be tried by a special jury at the term of the superior court next thereafter held in that county, and the decision in whatever way finally made, shall vest in the said Thomas Spalding and his associates, the fee simple of the land in question, and in the other party a judgment for its value thus ascertained.

Sec. 3. *And be it further enacted*, That the said Thomas Spalding and his associates shall have the exclusive control and benefits resulting from the said rail road or canal for the term of ninety-nine years, from its completion, at the expiration of which term the said rail road or canal shall revert to the state: *Provided*, That the state may, at any time within two years, take an interest in the said rail road or canal, not exceeding one-half, after paying to the said Thomas Spalding and his associates, his or their assigns, a sum equal to the same portion of the capital, which may satisfactorily be shewn has been expended upon the work and expenses attending the same, and eight per cent interest thereon from the time the said work shall have been commenced; until it shall have been completed.

Sec. 4. *And be it further enacted*, That the said Thomas Spalding and his associates shall have authority to impose and exact such reasonable toll as may be proper and sufficient for the purpose of remunerating them for the labor and expenditure of the undertaking, and to enable them to keep the same in repair.

Sec. 5. *And be it further enacted*, That the said Thomas Spalding and his associates be, and they are hereby incorporated as a company entitled "The Ocmulgee and Flint Rail Road or Canal Company," for the purposes aforesaid, and are declared capable of suing and being sued, impleading and being impleaded, and of using all necessary legal measures for prosecuting or defending the rights, privileges and immunities hereby granted to the said Thomas Spalding and his associates.

Sec. 6. *And be it further enacted*, That the term of five years be allowed to the said Thomas Spalding and his associates to complete the said rail road, or ten years to complete the canal, from the passage of this act, and if at the

expiration of the time herein specified, the said work shall not have been completed then, and in such case this charter of incorporation, and all the rights, privileges and immunities hereby granted shall cease, and be void to all intents and purposes.

Sec. 7. And be it further enacted, That no person or persons, nor any company nor association shall have the right or privilege of cutting a canal or constructing a rail road between the Ocmulgee and Flint rivers, within twenty-five miles above, or twenty-five miles below the contemplated rail road or canal now granted to Thomas Spalding and his associates: *Provided* that the said Thomas Spalding and his associates, his or their assigns, shall within two years from the passage of this act, deposit in the office of the Executive of this state, a plan or chart of the contemplated work, shewing its course and direction.

IRBY HUDSON,

Speaker of the House of Representatives

THOMAS STOCKS,

President of the Senate

Assented to, Dec. 22, 1827.

JOHN FORSYTH, Governor.

AN ACT to repeal an act passed the 24th December, 1825, establishing and making permanent Pierce A. Lewis' ferry on the Ocmulgee river.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That from and immediately after the passage of this act, the before recited act making permanent Pierce A. Lewis' ferry on the Ocmulgee river in Jones county be, and the same is hereby repealed.

IRBY HUDSON,

Speaker of the House of Representatives

THOMAS STOCKS,

President of the Senate.

Assented to, Dec. 26, 1827.

JOHN FORSYTH, Governor.

AN ACT to repeal certain road laws now in force in this state so far as respects the county of Effingham.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That all laws and parts of laws now in force in this state authorising and requiring the appointment of road commissioners in this state, and defining their duties be, and the same is hereby repealed, so far as respects the county of Effingham, and that the road act of eighteen hundred and eighteen be and remain in full force in the county of Effingham, with the exception of the above repeal; any law, usage or custom to the contrary notwithstanding.

Sec. 2 And be it further enacted, That it shall be the duty of the justices of the Inferior court of the county of Effingham, at their first meeting in each year, to appoint fit and proper persons as overseers, and it shall be the duty of the justices aforesaid to hear and determine on all defaults either by overseers or hands.

IRBY HUDSON,

Speaker of the House of Representatives.

THOMAS STOCKS,

President of the Senate.

Assented to, Dec. 24, 1827.

JOHN FORSYTH, Governor.

AN ACT to alter and amend the road laws of Glynn county.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted, by the authority of the same That from and after the passage of this act, it shall and may be lawful for the commissioners elected or appointed by the law of 18 6, to appropriate thirty slaves subject to perform road duty on the Island of St. Simons, to opening

and clearing the cuts through the marshes from St. Simons to the Hog Crawl, and it shall be lawful for the said commissioners to appoint overseers to attend to said slaves while working said cuts: *Provided* the commissioners of the road shall deem it necessary to work on said cuts.

Sec. 2. *And be it further enacted*, That all the slaves and other persons residing on the south side of Turtle river, in the 27th district, subject to road duty, shall be appropriated to the opening a road from the College bridge in said district, the nearest and best way to the mineral spring in Wayne county: *Provided* the commissioners of the roads deem the same necessary.

Sec. 3. *And be it further enacted*, That the commissioners so appointed or elected by the law of 1826, shall form and constitute a board of commissioners, and shall meet at Brunswick on any day they or a majority of them may think proper, to agree on the time, and regulate the working of roads in the different districts and so appropriate the fines accruing from defaulters for neglect of road duty, as they or a majority of them may think proper; any law to the contrary notwithstanding.

IRBY HUDSON,

Speaker of the House of Representatives.

THOMAS STOCKS,

President of the Senate.

Assented to Dec. 24, 1827.

JOHN FORSYTH, Governor.

AN ACT to establish and make permanent the ferry on the Chattahoochee river in the county of Hall, known by the name of Obediah Light's ferry.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That the ferry on the Chattahoochee river in the county of Hall, at the landing belonging to Obediah Light, called & known by the name of Light's ferry, be and the same is hereby made and declared a public ferry, and the said Obediah Light, his heirs or legal representatives, are hereby au-

thorised to ask, take and receive from all persons crossing at said ferry the same rates of toll or ferriage that is by law allowed or established at other public ferries on said river.

IRBY HUDSON,

Speaker of the House of Representatives.

THOMAS STOCKS,

President of the Senate.

Assented to, Dec. 17, 1827.

JOHN FORSYTH, Governor.

AN ACT to authorise William Trice of Upson county to erect and make permanent a ferry across Flint river, at the place formerly known by the name of Smutey's ferry.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That from and immediately after the passage of this act, that William Trice of Upson county, be and he is hereby authorised and empowered to erect a public Ferry across Flint river on his own land, at the place formerly known on said river by the name of Smutey's ferry.

Sec. 2. *And be it further enacted,* That the said William Trice, his heirs or legal representatives, are authorised to ask, take and receive from all person or persons crossing at said ferry, the same rates of toll or ferriage that is by law allowed or established at other public ferries on said river.

IRBY HUDSON,

Speaker of the House of Representatives

THOMAS STOCKS,

President of the Senate.

Assented to, Dec. 22, 1827.

JOHN FORSYTH, Governor.

AN ACT to authorise John Rushin to establish a ferry across Flint river upon his own land.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That from and immediately after the passage of this act, that John Rushin be and he is hereby authorised and empowered to erect a ferry across Flint river on his own land below Barnetts reserve, and that he be entitled to receive the same rates of ferriage as are authorised by law at other ferries upon said river: Provided he shall at all times keep in good repair a ferry flat sufficient to convey with safety across said river a loaded waggon and team.

IRBY HUDSON,

Speaker of the House of Representatives.

THOMAS STOCKS,

President of the Senate.

Assented to, Dec. 19, 1827.

JOHN FORSYTH, Governor.

AN ACT to establish and make permanent a ferry across the Chattahoochee river in the county of Winnett at a place known by the name of Gates' ferry on his own land, and to vest the right thereof in Charles Gates and his heirs, and to fix the rates of said ferry.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That from and immediately after the passage of this act, that Charles Gates be, and he is hereby authorised and empowered to erect a ferry across the Chattahoochee river on his own land, and that he be entitled to demand and receive the following rates of toll or ferriage, to wit: for a loaded waggon and team, fifty cents—for a four wheel carriage and two horses, thirty-seven and a half cents—for a gig and horse, twenty-five cents—for a horse and cart, twenty five cents—for a man and horse, twelve and a half

cents—for an ox cart and oxen, twenty-five cents—for each foot passenger, six and a quarter cents—for each head of neat cattle, two cents—for hogs, sheep or goats, one cent—for a led horse, six and a quarter cents.

Sec. 2. And be it further enacted by the authority aforesaid, That the said Charles Gates shall be held responsible for all losses or damages which may be sustained in consequence of negligence or other improper conduct at said ferry.

HERBY HUDSON,
Speaker of the House of Representatives.
THOMAS STOCKS,
President of the Senate.

Assented to, Dec. 22, 1827.

JOHN FORSYTH, Governor.

AN ACT to amend the road laws of this state, so far as relates to the county of Camden.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That all the inhabitants of Little Saint Illa neck in said county living east of the cross swamp, and also all the inhabitants of said county living east of the post road and north of the road leading into said neck, together with the family of Mrs. Brasil, be exempted from the performance of road duty on the post road, for the term of three years, for the purpose of putting the roads in said neck in proper repair.

Sec. 2. And be it further enacted, That the following persons be hereby empowered to act as commissioners of the different neck roads, to wit: Alexander Atkinson, David Brown, William A. Berrie, Thomas E. Hardee, Elijah Tucker, and David Hall, jun. that the said commissioners or a majority of them be vested with full power and authority of summoning and calling out the hands herein exempted from road duty on the post road, and of compelling them to perform their road duty on such roads in said St. Illa neck as they shall direct, and of assessing and levying the legal fines on such persons as shall make default.

Sec. 3. *And be it further enacted*, That nothing herein contained shall prevent the justices of the Inferior court in said county from calling out said hands herein exempted, to work on the post road in case any extraordinary occurrence should render the labor of said hands on the post road necessary.

Sec. 4. *And be it further enacted*, That an act passed 24th December, 1825, to amend the road laws of this state, as far as regards the county of Camden, be so far amended as to allow the inhabitants of Cumberland island in said county to commute for the performance of their road duty on the post roads of said county, by paying one dollar and a half per year for each person liable to perform road duty living on said island, instead of three dollars per year.

IRBY HUDSON,

Speaker of the House of Representatives,

THOMAS STOCKS,

President of the Senate.

Assented to, Dec. 4th, 1827.

JOHN FORSYTH, Governor.

AN ACT to authorise and empower James Turrentine, of Pike county, to establish a Ferry across Flint River.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That from and immediately after the passage of this act, James Turrentine of the county of Pike, he and he is hereby fully authorised and empowered to establish a ferry across Flint river on his own land.

Sec. 2. *And be it further enacted by the authority aforesaid*, That the said James Turrentine, his heirs or assigns, be fully authorised and empowered to demand and receive the same rates of ferriage which has been allowed to other owners of ferries on said river---any law to the contrary notwithstanding.

IRBY HUDSON,

Speaker of the House of Representatives.

THOMAS STOCKS,

President of the Senate.

Assented to, Dec. 19, 1827.

JOHN FORSYTH, Governor.

AN ACT to alter and amend the Road Laws, so far as respects the county of Rabun.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passage of this act, it shall be unlawful for any person or persons whatever, to alter, turn, change, or remove any part of the public road running through the county of Rabun, called and known by the name of the Locust Stake road, upon which monies have been appropriated out of the public treasury of the state, to construct and improve the same, unless said alteration be directed by a majority of the whole number of the Inferior Court, upon their own personal views.

Sec. 2. And be it further enacted, That it shall be lawful for any person to proceed forthwith, without any legal process for that purpose, to break down and remove any obstruction which may be placed across said road, with a view to alter, turn, or change said road; and the person or persons who may or shall alter, turn, or change said road, or place any fence or obstruction across the same, for that purpose, without the authority aforesaid, shall be liable to a fine of twenty dollars, to be recovered in a magistrates court, one half to the informer, and the other to the county for the purpose of being applied to the repairs of said road.

Sec. 3. And as the public money has been appropriated to improve said road, and it is of great importance to said county of Rabun to keep the same in repair, be it enacted by the authority aforesaid, That Thomas Kelly and Isham Nix, be and they are hereby appointed overseers of said road; the said Thomas Kelly of so much of said road as extends from Cram's Ford on Turoree river to Clayton, and the said Isham Nix from Clayton to the Locust Stake; and the said overseers shall be entitled to an assistant each, whose duty it shall be to warn all the hands liable to work on said road, to meet at such time and place as may be required by said overseers, and for such service they shall be exempt from working on said road.

Sec. 4. *And be it further enacted*, That all persons residing within five miles of said road, shall be liable to work on said road, subject to the order of the Inferior Court, without regard to their liability to work on any other road in said county, except the settlers on the waters of the War-woman and Churcheroe creeks, who shall be exempt from the provisions of this section.

Sec. 5. *And be it further enacted*, That said hands shall work upon said road agreeably to the provisions of the general road laws in force in this state, with the exception that said overseers shall return all defaulters to the Inferior court whose duty it shall be to convene a court for that purpose only at any time, to hear and determine upon the excuses of said defaulters, and shall be governed in imposing and collecting fines in the same manner as is prescribed by the road laws in other cases; and said fines shall form a fund to be exclusively kept and applied to the repairs of said road, and no other.

Sec. 6. *And be it further enacted*, That upon any vacancy of said overseers, the same shall be filled by the Inferior Court of said county.

IRBY HUDSON,

Speaker of the House of Representatives.

THOMAS STOCKS,

President of the Senate.

Assented to Dec. 22, 1827.

JOHN FORSYTH, Governor.

AN ACT to establish a toll-bridge across the Ohoopie River, on the state road leading from Macon to Savannah.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by authority of the same, That from and immediately after the passage of this act, the bridge erected by Howell McLemore across the great Ohoopie river, on his own land, on the state road leading from Macon to Savannah, be and the same is hereby permanently established in the hands of said Howell McLe-

more, his heirs and assigns; and he is hereby authorised to ask and receive the following rates of toll from travellers for crossing said bridge, viz: For each four wheel carriage or waggon forty three and three fourth cents; for each two wheel carriage or cart eighteen and three fourth cents; for each man and horse six and one fourth cents; for each single horse six and one fourth cents; for each head of neat cattle two cents; for each head of hogs, sheep or goats one cent.

Sec. 2. *And be it further enacted,* That the said Howell McLemore be and he is hereby authorised and required to raise a good and sufficient causeway across the swamp and low grounds of said river, and keep the same in good repair.

Sec. 3. *And be it further enacted,* That the right herein granted shall be forfeited whenever said McLemore shall by neglect, fail to keep said bridge and causeway in good repair agreeably to the intent and meaning of this act.

IRBY HUDSON,

Speaker of the House of Representatives.

THOMAS STOCKS,

President of the Senate,

Assented to Dec. 4, 1827.

JOHN FORSYTH, Governor,

AN ACT to alter and amend the road laws of this State so far as respects the counties of Burke and Laurens.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That from and immediately after the passing of this act, all the fines which may be collected from defaulters for their non-attendance on the road or roads in the counties of Burke and Laurens, shall when collected be paid over to the commissioners of the road or roads, and by them carefully appropriated to the improvement of the roads in the district or divisions where such fine or fines may have been collected.

Sec. 2. *And be it further enacted*, That all laws and parts of laws militating against this act, be and the same are hereby repealed.

IRBY HUDSON,
Speaker of the House of Representatives.
THOMAS STOCKS,
President of the Senate.

Assented to Dec. 19, 1827.

JOHN FORSYTH, Governor.

AN ACT to amend the road laws, so far as respects the county of Chatham.

Whereas by the road laws now of force in the county of Chatham, ten days previous notice is required to be given, before the slaves liable to road duty can be called out :

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That whenever the public roads in the said county of Chatham shall have been obstructed from storms or other accidents or casualties, it shall and may be lawful for the Commissioners of any of the roads in said county, or a majority of them, to call out any number of hands liable to work thereon, not exceeding one third of the whole number liable to labour in ordinary cases, to clear out such roads and remove the obstructions, upon giving to the owner, manager or agent of such slaves two days previous notice of such call : *Provided*, that the slaves so called out, shall not be liable to work in such cases more than two days at any one time.

IRBY HUDSON,
Speaker of the House of Representatives.
THOMAS STOCKS,
President of the Senate.

Assented to Dec. 19, 1827.

JOHN FORSYTH, Governor.

AN ACT to regulate the rates of toll at the ferries and bridges on Toweliga River, in Butts and Monroe counties.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met. That from and after the passage of this act, no person holding or claiming a bridge or ferry on the Toweliga river in Butts or Monroe counties, shall claim or ask for toll more than the following rates, viz: For a road waggon loaded, thirty-seven and a half cents; for a road waggon empty, twenty-five cents; for all other four wheel carriages and waggons twenty-five cents; for gigs, carts, &c. each twelve and a half cents; for man and horse six and one fourth cents; for leed and drove horses and mules two cents; for all other stock per head one and a half cents.

Sec. 2. *And be it further enacted,* That any person violating the provisions of this act, shall forfeit and pay for each offence the sum of five dollars, to be collected in any court of justice having competent jurisdiction, which sum or sums of money so collected, shall be paid over by the court so collecting the same, to the clerk of the Inferior Court of their respective counties, for county purposes---any law, usage, or custom to the contrary notwithstanding.

IRBY HUDSON,

Speaker of the House of Representatives.

THOMAS STOCKS,

President of the Senate.

Assented to Dec. 18, 1827.

JOHN FORSYTH, Governor.

Rivers.

AN ACT for the appropriation of money for the improvement of the Chattahoochie river.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That the sum of ten thousand dollars be and the same is hereby appropriated for the improvement of the Chattahoochie river from the Coweta Falls on said river, to its confluence with that of the Flint.

SEC. 2. *And be it further enacted, That R. C. Spann, John Dill and A. M. Watson, of Early county, and Sowel Woolfork, and Wm. D. Lucas, of Muscogee county, and Allen Lawhon, of Henry county, be and they are hereby appointed Commissioners of the Chattahoochie river, from the Coweta Falls on said river to its junction with the Flint river, who or a majority of them, shall have power to draw the amount appropriated, or any part thereof, and to exercise such general discretion in the prosecution of the improvement of said river, as to them may appear most productive of the best interest of the state; and that said commissioners give bond and security in the sum of twenty thousand dollars, as other commissioners of said river.*

SEC. 3. *And be it further enacted, That whenever a vacancy may happen, it shall be the duty of the Inferior Court of the county in which it takes place to fill said vacancy.*

SEC. 4. *And be it further enacted, That the said Commissioners shall keep a fair record of their proceedings and report the same annually to the Legislature.*

IRBY HUDSON,

Speaker of the House of Representatives,

THOMAS STOCKS,

President of the Senate.

Assented to Dec. 26, 1827.

JOHN FORSYTH, Governor.

AN ACT to appoint Commissioners for the improvement of the Ocmulgee River, in the counties of Butts, Jasper and Jones.

Be it enacted by the senate and house of representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority aforesaid, That from and after the passage of this act, Parkham Lindsey, of the county of Butts, be and he is hereby appointed a commissioner for the improvement of the Ocmulgee river, to fill the vacancy of Hugh W. Ector, removed; and that Woody Dozier of the county of Jasper, be and he is hereby appointed commissioner for the before named purposes, to fill the vacancy of William Scott, deceased; and that Noah Butt of the county of Jones, be and he is also appointed a commissioner for the improvement of the Ocmulgee river, to fill the vacancy of Mickleberry Ferrell, removed--any law to the contrary notwithstanding.

IRBY HUDSON,

Speaker of the House of Representatives.

THOMAS STOCKS,

President of the Senate.

Assented to Dec. 17, 1827.

JOHN FORSYTH, Governor.

AN ACT to authorise Mordecai Shackleford, his heirs and assigns, to build and keep up a mill-dam across the Alcofauhatchy River, on certain conditions.

Be it enacted by the Senate and House of Representatives of the state of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That after the passage of this act, it shall be lawful for Mordecai Shackleford, his heirs or assigns, to build and keep up a mill-dam across the Alcofauhatchy river, at the place known by the name of Wommack's mill on said river; *Provided,* That the Legislature may at any time hereafter revoke said grant, whenever it may be deemed necessary

for the purposes of navigation : *And provided further*, that nothing herein contained shall authorise said Shackelford or others, claiming under him, to overflow any lands not his own.

Sec. 2. *Be it further enacted by the authority aforesaid*, That all laws militating against this act, be and they are hereby repealed.

IRBY HUDSON,
Speaker of the House of Representatives.
THOMAS STOCKS,
President of the Senate.

Assented to Dec. 22, 1827.

JOHN FORSYTH, Governor.

Sheriffs.

AN ACT to authorise the Sheriff and Coroner of Hancock county and their successors in office, to publish their sales of property levied on under execution, in a newspaper published at Mount Zion, in said county, entitled the Hancock Advertiser.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passage of this act, the sheriff and coroner of Hancock county and their successors in office, shall be and they are hereby authorised to publish their sales of property levied on by virtue of any execution or executions, in a newspaper published at Mount Zion, in said county, entitled the Hancock Advertiser : *Provided* they may think proper to do so ; any law, usage or custom to the contrary notwithstanding.

IRBY HUDSON,
Speaker of the House of Representatives.
THOMAS STOCKS,
President of the Senate.

Assented to, Dec. 18, 1827.

JOHN FORSYTH, Governor.

AN ACT to authorise the Sheriff of Elbert county to have advertised his sales in one of the public gazettes of Milledgeville, and the Sheriff of Madison county to advertise in the Athenian.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passage of this act, it shall be lawful for the sheriff of Elbert county, and he is hereby authorised to have his advertisements for sales published in one of the public Gazettes of Milledgeville; all law or usage to the contrary notwithstanding.

Sec. 2. *And be it further enacted,* That it shall and may be lawful for the sheriff of Madison county and his successors in office, to advertise their sales in the Athenian; any law to the contrary notwithstanding.

IRBY HUDSON,

Speaker of the House of Representatives.

THOMAS STOCKS,

President of the Senate.

Assented to, Dec. 24, 1827.

JOHN FORSYTH, Governor.

AN ACT to reduce the amount of the Sheriffs bonds in this state, so far as respects the county of Ware.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passage of this act, persons elected or appointed sheriffs of the county of Ware shall be required to give bond and security in the sum of four thousand dollars only, for the faithful discharge of the duties of the sheriff's office in said county; any thing contained in the forty-sixth section of the judiciary act of 1799 to the contrary notwithstanding.

IRBY HUDSON,

Speaker of the House of Representatives.

THOMAS STOCKS,

President of the Senate.

Assented to, Dec. 19, 1827.

JOHN FORSYTH, Governor.

Slaves.

AN ACT to regulate slaves and free persons of color, in the village of Sparta.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passage of this act, it shall not be lawful for any free person of color, or slave, to keep a house of public or private entertainment, within the corporate limits of Sparta, nor to vend any goods, wares, or merchandise, spirituous liquors, or provisions; or carry on any kind of traffic for the purpose of gain.

Sec. 2. *And be it further enacted by the authority aforesaid,* That from and after the passage of this act, no slave shall be allowed to hire his or her time, from his or her master, or manager, nor shall any slave be allowed to work or carry on any business or traffic upon their own account, or for the purpose of procuring a livelihood, or raising money to pay their hire within the limits thereof.

Sec. 3. *And be it further enacted by the authority aforesaid,* That any free person of color offending against the provisions of this act, shall be subject to such punishment by fine, imprisonment, or flogging, as the commissioners of said village shall order and direct.

Sec. 4. *And be it further enacted by the authority aforesaid,* That any person being the owner of, or having the management of any slave or slaves, shall not suffer any slave or slaves to hire their own time, or go at large seeking employment at the discretion of said slave, within the limits aforesaid, and every person so offending shall forfeit thirty dollars for every such offence, to be collected for the benefit of the said corporation; and any slave so offending shall be subject to a fine of three dollars per week, and on failure to pay such fine, said slave or slaves shall be subject to imprisonment or flogging, at the discretion of said Commissioners.

Sec. 5. *And be it further enacted by the authority a said,* That it shall not be lawful for any person being owner of, or having the control or management of house or tenement in said village, to rent the same to slave or free person of color, or to suffer such slave or person of color to occupy the same, unless it be a kitchen or out house within some enclosed lot, and not standing being on any street of said village.

Sec. 6. *And be it further enacted by the authority a said,* That the Commissioners of said village and their successors in office are hereby vested with full power and authority to pass such bye-laws and regulations as will more effectually enforce and carry into effect the provisions of this act, either by imposing fines or corporeal punishment on any slaves or free persons of color offending against the act, or any bye-law to be made by the Commissioners of said village, under and by the authority hereof, or by removing the offender or offenders beyond the corporate limits of said village: *Provided,* that no bye-law to be passed by the said Commissioners shall violate the laws and Constitution of this state.

IRBY HUDSON,

Speaker of the House of Representatives

THOMAS STOCKS,

President of the Senate

Assented to Dec. 24, 1827.

JOHN FORSYTH, Governor.

AN ACT to alter and amend the patrol laws in this state so far as respects the counties of Laurens, Franklin, Burke, Columbia, Glynn, Camden, Hancock, and Pulaski.

Whereas it frequently happens, either by resignation, removal or death, that the office of Captain becomes vacant, by means of which, and by the neglect of the proper authorities to fill said office, patrol duty is entirely neglected for the want of some legal authority to appoint patrols---for remedy whereof,

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That from and immediately after the passing of this act, whenever a vacancy in the office of captain may happen in any of the districts in the counties of Laurens, Franklin, Burke Columbia, Glynn, Camden, Hancock, or Pulaski, it shall be the duty of the Justices of the Peace, or Justice of the Peace, (if there should be but one in the district,) in the district where the vacancy of the office of captain may happen, to appoint once in two months, on their or his justice court day, patrols, under the same rules, regulations and penalties, which by the laws now of force in this state, it would be the duty of a captain to do, provided there was one in the district.

Sec. 2. Be it further enacted by the authority aforesaid, That any persons who may be appointed patrols by virtue of the preceding section, shall be and they are hereby required to perform patrol duty, under the same rules, regulations and penalties, as patrols are by law required to do, who are appointed by captains of districts.

Sec. 3. Be it further enacted by the authority aforesaid, That all laws and parts of laws that militate against this act, be and the same are hereby repealed.

IRBY HUDSON,
Speaker of the House of Representatives,

THOMAS STOCKS,
President of the Senate,

Assented to Dec. 24, 1827.

JOHN FORSYTH, Governor.

AN ACT more effectually to enforce the provision the statute of 1826, so far as the same regards the arrival of persons of color in the several ports and waters of this state.

Be it enacted by the senate and house of representatives of the state of Georgia in General Assembly met, and hereby enacted by the authority of the same, That when any vessel shall arrive in any of the ports or waters of this state, it shall be the duty of the master or captain thereof to repair within twenty-four hours after the arrival at said port, to the nearest city or town, and make a report to the Mayor, Intendant, or other chief magistrate thereof of any colored persons on board of his said vessel, and to give bond agreeably to the provisions of the fifth section of an act passed the twentieth day of December, eighteen hundred and twenty-six, under the penalty of one hundred dollars, for every such person omitted to be so reported and bonded.

Sec. 2. *Be it further enacted,* That the said person shall be sued for and recovered in the same manner as is prescribed in the sixth section of the said act, passed the twentieth day of December, eighteen hundred and twenty-six, aforesaid, entitled "An act to amend an act entitled an act supplementary to an act more effectually to enforce an act entitled an act, prescribing the mode of manumitting slaves in this state; and also to prevent inveigling and illegal carrying out of the state persons of color."

IRBY HUDSON,
Speaker of the House of Representatives
THOMAS STOCKS,
President of the Senate

Assented to, Dec. 26, 1827.

JOHN FORSYTH, Governor.

Taxes.

N ACT to authorise the next receiver of tax returns for the county of Thomas, to receive the tax returns of the citizens of said county or any other person whose taxes are due the state prior to the year of eighteen hundred and twenty-seven, and to make it the duty of the collector of taxes for the county of Thomas to collect the said taxes.

Be it therefore enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That it shall be the duty of the next receiver of tax returns of taxable property for the county of Thomas, and it is hereby made it his duty to receive the tax returns of the citizens of said county or any other person who are in arrears and have not paid their taxes due the state prior to the year of eighteen hundred and twenty-seven, and that the collector of taxes for said county collect the same under the same rules and regulations as are pointed out by the tax law of this state; any law to the contrary notwithstanding.

IRBY HUDSON,

Speaker of the House of Representatives.

THOMAS STOCKS,

President of the Senate.

Assented to, Dec. 19, 1827.

JOHN FORSYTH, Governor.

AN ACT to authorise the Justices of the Inferior court of Oglethorpe county to levy an extra tax, to put and keep the public roads in said county in good order

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That the Justices of the Inferior court of Oglethorpe county be, and they are hereby authorised to levy an extra tax on the inhabitants of said county subject to taxation, if they shall deem it necessary so to do, which shall not exceed in any one year fifty per cent on the general tax, to be applied exclusively to putting and keeping in good order the public roads in said county, in any way said court shall think proper to direct.

Sec. 2. And be it further enacted by the authority aforesaid, That said extra tax shall be collected by the tax collector of said county for the time being, he having given satisfactory obligation to the said court for the faithful performance of his duty, whose duty it shall be to pay over the same when collected, to the said court, to be appropriated by them for the purposes aforesaid, after deducting the usual percentum for collection.

Sec. 3. And be it enacted by the authority aforesaid, That this act shall not repeal nor in any way interfere with the road laws now in force in said county.

IRBY HUDSON,

Speaker of the House of Representatives.

THOMAS STOCKS,

President of the Senate.

Assented to, Dec. 18, 1827.

JOHN FORSYTH, Governor.

ACT to authorise the Inferior court of Butts county to levy an extra tax for county purposes.
as it enacted by the senate and house of representatives of the state of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That the Justices of the Inferior Court of Butts county are hereby authorised and empowered to levy an extra tax for the year eighteen hundred and twenty-eight, for county purposes, not to exceed seventy-five per cent. on the general tax of the county---any law to the contrary notwithstanding.

IRBY HUDSON,

Speaker of the House of Representatives.

THOMAS STOCKS,

President of the Senate.

passed to, Dec. 19, 1827.

JOHN FORSYTH, Governor.

Towns.

ACT to lay out a trading town and to dispose of all lands reserved for the use of the state near the Cata Falls on the Chattahoochee river and to name the same.

as enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and hereby enacted by the authority of the same, That the Governor shall, immediately after the expiration of this act, appoint five commissioners, to select a suitable site and cause to be laid out and distincted on the reserve aforesaid, a town upon such a site as they may devise and approve, having special reference to the future commercial prosperity of said town and the comfort of its inhabitants.

Sec. 2. *And be it further enacted*, That said Commissioners in the execution of the duties by this act assigned them, shall lay out a square or an oblong square fronting the Chattahoochee river, of twelve hundred acres, as a reservation for the common and town of Columbus, within which square they shall lay out not less than five hundred building lots of half an acre each, with an appropriate number of streets, alleys, and a suitable number of reserved squares for public buildings, &c secondly, one square within the town and common reserve of ten acres shall be laid out and appropriated to and for the use of the county of Muscogee, as a site for their public buildings, with the privilege of selling so much of the said ten acres as the commissioners of the court house and jail of said county may deem proper, to aid them in building a court house and jail; but in the event of the commissioners of the court house and jail selecting some other site than the town of Columbus for their public buildings, then, and in that case the aforesaid lot of ten acres shall revert to and become again vested in the State: and 3dly. the said commissioners shall cause to be laid out and distinctly marked two ranges of lots adjoining on the south, north and east of the lot or square reserved for the common and town of Columbus, the first range of lots to contain ten acres, and the second range twenty acres each; and all the rest and residue of the reserved lands at the Coweta Falls, on the Chattahoochee river, shall be laid off by the commissioners aforesaid into square tracts of one hundred acres each, or into fractions where the same will not admit of being laid out into square tracts

Sec. 3. *And be it further enacted*, That said commissioners after having fully carried into effect the foregoing provisions of this act, shall cause sixty days notice to be given of their intended sale in all the public Gazettes of this state, and in one of the public Gazettes of Charleston, South Carolina, and Tuscaloosa, Alabama, and shall in accordance with said notice, proceed at some convenient place on said reserve, to offer for sale by public outcry all the said building, gardening and planting lots, so as aforesaid to be laid out, and shall from day to day continue said sales until the whole shall be disposed of: *Provided nevertheless*, That if in the opinion of said commissioners, the states interest in said lots should seem likely

to be sacrificed for the want of demand or bidders or for other cause, it shall be the duty of said commissioners to suspend the sale of lots for which fair prices cannot be had, until such other day or days of sale as they may think proper, after the like publication of notice to order.

Sec. 4. *And be it further enacted,* That the highest bidder for any lot or lots authorised to be sold by this act, shall be the purchaser, who shall pay to the commissioners aforesaid one fifth part of the purchase money in cash or current bills of chartered banks of this State, on the payment of which the said commissioners or a majority of them shall give to such purchaser a certificate stating the amount paid and the amount of said purchase money then due and to be paid in four equal annual instalments, which said certificates shall be alienable by written assignment, and any purchaser failing to pay any instalment to the Treasurer within sixty days after the same becomes due shall forfeit the amount paid, and said lot or lots shall revert to and become the property of the State; when the last instalment is paid agreeably to the face of said certificate given by the commissioners aforesaid, it shall be the duty of his Excellency the Governor to cause a grant or grants to be made out in the name of the holder of said certificate agreeably to the laws now in force regulating grants, which said grant shall be given to the holder of said certificate on his paying the sum of four dollars and fifty cents for office fees.

Sec. 5. *And be it further enacted,* That it shall be the duty of said Commissioners within thirty days after said sales or any of them shall have been closed or suspended, to pay into the Treasury of this State the nett amount received by them for the sale of said lots, also a list of their books and account of sales, with a general plan of said town.

Sec. 6. *And be it further enacted,* That each of said commissioners before he enters on the duties of said office, shall execute to his Excellency the Governor a bond with good and sufficient security in the penalty of ten thousand dollars, to become null and void on the condition of his faithfully performing the several duties and requirements specified and prescribed in this act, and in case either of said commissioners shall omit or refuse to make returns of money which they may have received for the use of the

State, according to the provisions of this act, it shall be the duty of the Comptroller General of this State forthwith to issue an execution against such defaulting commissioner and his securities for the penalty of their bond, directed to all and singular the sheriffs of said state, which execution shall be in the usual form of fieri facias, and have the same effect of such a writ when issued pursuant to the judgment of a court of record; but this summary process for detaining money shall in no wise exempt either of said commissioners from an action at law or equity for any malfeasance in office.

Sec. 7. *And be it further enacted*, That each of said commissioners whilst engaged in the service herein assigned, shall be entitled to receive as full compensation, five dollars a day, and an adequate allowance for clerk hire and stationary.

Sec. 8. *And be it further enacted*, That said commissioners shall have authority to appoint a surveyor for the purposes herein expressed, whose compensation shall be five dollars a day whilst in service, also to appoint a sufficient number of chain carriers and axe-men, whose pay shall not exceed two dollars each day.

Sec. 9. *And be it further enacted*, That all persons who may have an agency in executing the provisions of this act be, and they are hereby required to complete the several duties assigned them, with the least delay.

Sec. 10 *And be it further enacted*. That the said town shall be called and known by the name of Columbus.

IRBY HUDSON,

Speaker of the House of Representatives.

THOMAS STOCKS,

President of the Senate,

Assented to, Dec. 24, 1827.

JOHN FORSYTH, Governor.

AN ACT to appoint Commissioners to select the site for the public buildings for the county of Irwin, and to make permanent the same.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That Cornelius Tison, Lott Whitten, Jonathan Smith, Miles Adams, James L. Wilcox, Ludd Mobly, and Jacob Paulk, be and they are hereby appointed Commissioners to select a site for the public building in the county of Irwin, which site when so selected by the said Commissioners or a majority of them, shall be held and deemed as the permanent site for the public buildings for the county aforesaid.

Sec. 2. And be it further enacted by the authority aforesaid, That said Commissioners, or a majority of them, shall be and they are hereby authorised to purchase a lot or lots of land for the same, and proceed to lay off lots in the public site in said county, and expose the same to public sale, after giving sufficient notice as is usual in such cases; the proceeds of such sales of lots to be returned to the Inferior Court of said county, as well as the lands purchased for the public site, as a county fund, reserving sufficient to pay for purchasing the land for county site, and expenses incurred with regard to the same.

Sec. 3. And be it further enacted, That the place of holding the superior and inferior courts and elections, for the county of Irwin, at the present or usual place of holding courts and elections for said county, until the Commissioners appointed by this act shall have selected a site for the public building for the county aforesaid, and shall have proceeded by a written notification to inform the Inferior Court of said county of Irwin of such place and circumstance; and it shall be the duty of said Justices of the Inferior Court of said county to advertise the same, stating the lot of land selected for the public site of their county, at least in three of the most public places in the same, and the same shall therefore immediately become the permanent site of said county.

Sec. 4. *And be it further enacted*, That it shall be the duty of the Justices of the Inferior Court of the county aforesaid, so soon as the Commissioners have selected a public site for their respective court-house and jail, in conformity with the provisions of this act, to proceed to the letting out the court-house and jail in said county, at such site---any law to the contrary notwithstanding.

IRBY HUDSON,

Speaker of the House of Representatives.

THOMAS STOCKS,

President of the Senate.

Assented to Dec. 19, 1827.

JOHN FORSYTH, Governor.

AN ACT to repeal a part of an act, "entitled an act to make permanent the site of the public buildings in the county of Fayette at Fayetteville, and to incorporate the same, passed the 20th day of December, 1823," and to amend the said act.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That so much of the before recited act as gives to the Commissioners of the town of Fayetteville criminal jurisdiction or the power of punishing by fine or otherwise, persons who may have violated the bye-laws of said town, by the commission of such crimes as may afterwards be punishable by the Superior Court, be and the same is hereby repealed: *Provided*, that nothing herein contained shall prevent said Commissioners from punishing persons by fine, for shooting on the public square or streets of said town, or for violating the bye-laws of the Commissioners of said town respecting the Sabbath day.

Sec. 2. *And be it further enacted*, That it shall not be lawful for any commissioner appointed under the authority of the before recited act, to enter upon the duties of his office until he shall have taken and subscribed an oath be-

fore some one of the Justices of the Inferior Court or Justice of the Peace for said county, faithfully and impartially to perform the duties of a commissioner of the town of Fayetteville, as ascertained by law, and to support the constitution of the United States, and of the State of Georgia; and a certificate on the Minute Book of the Commissioners, by the persons presiding at the election, that the persons named are duly elected, and a certificate as aforesaid by such Justice, that they have taken the oath aforesaid, shall be legal evidence that the Commissioners so elected and sworn are authorised to act as such.

IRBY HUDSON,
Speaker of the House of Representatives.
THOMAS STOCKS,
President of the Senate.

Assented to, Dec. 19, 1827.

JOHN FORSYTH, Governor.

AN ACT to extend and define the corporate limits of the Town of Eatonton.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That from and immediately after the passage of this act, the corporate limits of said town shall be and is hereby extended half a mile from the court-house in said town: Provided nevertheless, nothing in the above recited act shall be so construed as to authorise the commissioners of said town to levy a tax on real estate; without the limits of the half acre lots in said incorporation.

Sec. 2. *Be it further enacted by the authority aforesaid, It shall be the duty of the commissioners of said town immediately after the passage of this act, to proceed and have the limits correctly laid off and defined---any law to the contrary notwithstanding.*

IRBY HUDSON,
Speaker of the House of Representatives.
THOMAS STOCKS,
President of the Senate.

Assented to Dec. 26, 1827.

JOHN FORSYTH, Governor.

AN ACT to authorise the City Council of Augusta appoint vendue masters for said city—to prescribe the duties—to regulate the form and amount of their bonds—and for other purposes.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met and it is hereby enacted by the authority of the same. That from and after the passing of this act, the City Council of Augusta shall have full power to appoint, on the first Saturday in January annually, or at their first meeting thereafter, as many vendue masters for said city not exceeding four, as in their opinion the public good may require; and instead of the oath heretofore required to be taken and subscribed before the justices of the Inferior court, the said City Council shall administer to the said vendue masters, the following oath, to wit: "you solemnly swear to do, perform, and discharge all the duties of a vendue master required of you, by the laws of this State and the ordinances of the city of Augusta, to the best of your ability, so help you God," and the said City Council shall take from each vendue master appointed under this act, in lieu of the bond heretofore required, a bond with two or more good and sufficient securities, payable to the Mayor of the city of Augusta and his successors in office, in a sum not exceeding thirty thousand dollars, conditioned for the faithful payment of all duties and taxes that are now or may be hereafter imposed upon sales at vendue, by any law of this state or ordinance of said city, and for the payment of all monies, and the transfer and delivery of all notes, bills, bonds, obligations or other valuable thing or things, received by him for merchandise or other property sold at vendue or at private sale, to the owner or owners of the same, or to his, her or their legal representative or representatives, upon demand made for the proceeds or effects of such sale, and for obeying all lawful orders which said vendue masters may receive from the owner or owners of any merchandise or other property placed in his hands, respecting the sale or disposition of the same.

Sec. 2 *And be it further enacted,* That every vendue master so appointed as aforesaid, instead of the re-

turns heretofore directed to be made, shall make his returns quarterly yearly, ending on the last days of the months of April, July, October and January, of all sales effected by him at vendue during said quarters, which returns shall be made under oath before the Mayor or any member of the City Council, and be deposited by said vendue master with the Clerk of said Council, whose duty it shall be to submit the same to the examination of the said City Council at their next meeting thereafter, and said vendue masters shall also pay over to the said City Council all monies accruing to the State of Georgia for duties or taxes upon such sales; and it shall be the duty of said Council, within ten days after the receipt of such monies, to deposit the same in one of the Banks in Augusta to the credit of the Treasurer of the State of Georgia, and to give him immediate notice thereof.

Sec. 3. And be it further enacted, That if any vendue master appointed under this act, shall violate his bond by failing to comply with all or any of its conditions, requisitions or provisions, such vendue master with his securities shall be subject to be sued upon said bond or upon a copy thereof, authenticated by a certificate signed by the Mayor of said city and attested by the Clerk of the City Council, in any court of law having competent jurisdiction, by and in the name and for the use and benefit of any person or persons, body corporate or politic, who shall have been defrauded, endamaged or injured by such violation, and such vendue master shall moreover, upon complaint made and proof adduced before the City Council aforesaid of a violation of his bond and duties, be at the discretion of said Council discharged from office.

Sec. 4. And be it further enacted, That for every act of malfeasance, misfeasance, and nonfeasance, done or omitted to be done by any vendue master appointed under this act, whether contrary to the condition of his bond or not, he shall still be liable as at common law; any thing contained in this act to the contrary notwithstanding.

Sec. 5. And be it further enacted, That if any bond or bonds taken under this act should not pursue the terms and provisions thereof, such bond or bonds shall not therefore be void, but shall be taken and held as good voluntary bond or bonds at common law.

Sec. 6. *And be it further enacted,* That from and after the passing of this act, no vendue master in the city of Augusta shall be required to give any other bond or to take any other oath for the faithful performance of his duties than those provided in this act, nor shall any vendue master in said city be required to apply for license or make return of his sales to the Treasurer of the State of Georgia, as was heretofore the practice; any law to the contrary notwithstanding.

Sec. 7. *And be it further enacted,* That all laws now in force relating against or repugnant to this act, so far as they relate to the city of Augusta be and the same are hereby repealed.

IRBY HUDSON,

Speaker of the House of Representatives.

THOMAS STOCKS,

President of the Senate.

Assented to Dec. 24, 1827.

JOHN FORSYTH, Governor.

AN ACT to incorporate the Methodist Episcopal Church in Lexington, Oglethorpe county.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That from and immediately after the passage of this act, the Church in Lexington, Oglethorpe county, now known as the Methodist Church, shall be known and called by the name of the Lexington Methodist Episcopal Church, and that John Hardeman, Paris Pace, Henry Hill, Senr. Alexander Jones, and Harris G. Jones, and their successors in office be and they are hereby declared to be a body politic and corporate by the name and style of the Trustees of the Lexington Methodist Episcopal Church, and as such shall be capable and liable in law to sue and be sued, plead and be impleaded, and shall be authorised to make such bye-laws and regulations as may be necessary for the government of said Church: *Provided*, such bye-laws are not repugnant to the constitution and laws of this State; and for the purpose aforesaid, may have and use a common seal, appoint such officers as they may think proper, and remove the same from office for improper conduct or neglect of duty.

Sec. 2. And be it further enacted, That the said Trustees shall be capable of accepting and being invested with all manner of property, real and personal, all donations, gifts, grants, privileges and immunities whatsoever, which may now belong to the said Church, or which may hereafter be conveyed or transferred to them or their successors in office, to have and to hold the same for the proper use, benefit and behoof of said Church.

Sec. 3. And be it further enacted, That any vacancy which may happen by death, resignation, or otherwise of any of the Trustees of said Church, the survivors or a majority of them shall fill the same in such manner as shall be pointed out by the bye-laws and regulations of the Trustees aforesaid.

IRBY HUDSON,

Speaker of the House of Representatives.

THOMAS STOCKS,

President of the Senate.

Assented to Dec. 4, 1827.

JOHN FORSYTH, Governor.

Resolutions

WHICH ORIGINATED IN THE SENATE.

IN SENATE, *December 5, 1827.*

The Joint Committee on the State of the Republic which was referred the resolution of the senate, instructing an enquiry into the right and propriety of the Congress of the United States appropriating money from the Public Treasury of the Union in aid of the Colonization Society, REPORT:

That assuming, as a fact well known to this legislature, that the American Colonization Society has declared its intention to make application to the Congress of the United States for an appropriation in aid of its funds, the committee believe that the time has arrived, when it comes the imperious duty of the General Assembly of Georgia, *gravely and firmly* to enter its protest against the right of Congress to make such appropriation. If, on the final adjournment of that great assemblage, which forms the Constitution of the United States, any one had declared that the genius, the wisdom, and the patriotism there combined, had totally failed to effect the object of the convention; that instead of creating a Government of unlimited powers, they had, by the careless insertion of a few words, vested that Government with absolute and unlimited sovereignty, *that man* would have been laughed at for his folly or branded as a demagogue. It is true that some *did* apprehend and predict, that as the new government advanced from infancy into the full vigor of life, attempts would be made to grasp by construction, those powers, which had not been expressly granted by the convention; but the great mass of the people believed, that the terms of the grant were too well defined to admit of construction; that if there was a serious objection to the constitution

existed the rather in leaving the Federal Government too weak and defenceless, to resist the encroachments of the states---against this alledged error of the great majority, a few voices were heard *warning* the people of *that* error: these *warnings*, like the warnings of the prophets of old, were disregarded or forgotten, and it is only *now*, when time has made them *prophecies*, and those prophecies are in the act of fulfillment, that the wisdom and foresight of those great men who gave them utterance, have been generally acknowledged in the southern states; it was *only when*, in a recent difference between the Federal Government and the State of Georgia, the Chief Magistrate of that government, emboldened by the silent acquiescence of the states in its gradual encroachments, had declared his *right*, and the right of Congress, to settle that difference by the sword of the Union; it was *only when* the then Chief Magistrate of this state, *guided* and *actuated* by the purest and most *devoted feelings* of affection for that Union and by his *right* and *just* sense of his high responsibilities, threw himself fearlessly upon the ramparts of the constitution, there to sacrifice himself in its defence; it was *only when* the states to the East, the North and the West stood by this scene in silence, forgetful of their own deep interest in that contest, or, if a voice was raised, *that voice* was an approval of the threatened violation of *rights* common to *them* and to *us*; it was *only when* those states seemed to have forgotten that part of the compact, by which all the states became mutual guarantees of the rights reserved to each; it was *only then*, that the people of the south were aroused from their fatal lethargy; and it is *only now* that they begin *deeply* to *feel*, that the preservation of their happiness and prosperity depends upon the preservation of that Constitution, as it came from the hands of its makers---and feelingly to know, that this can *only* be effected by union among themselves; and by a *firm* determination, and manly resistance to any attempts to merge these free and sovereign states into one grand, unlimited, consolidated government.

It was from these views and these convictions, that your Committee have deemed it their duty to give to the subject submitted, the most grave and serious investigation; and although in the discharge of this duty, they can hope to present but little which is new, yet they hope they will have effected the object of their appointment, if they suc-

ceed in compressing within a narrow compass, the opinions and arguments of others, which they believe to be irrefragable.

The Federal Compact was a compact made between independent sovereignties, for the general benefit and welfare of the whole, by which each, to effect that object, relinquished to a common head, portions, and like portions, of its sovereign power; reserving to itself the exclusive enjoyment of the residue; and by which all became mutual guarantees to each, of the absolute and exclusive enjoyment of that residue.... It was an association of independent and absolute sovereignties, all believing, that by the concession of certain of their powers, which could not be fully and separately exercised by each, without interfering and clashing with the exercise of the same powers by others, those powers so conceded could be exercised most beneficially and efficiently for all.... Such were the powers, and the *only powers* relinquished, or intended to be relinquished by the states; and all the powers which could be exercised by each, in a way sufficiently beneficial, and without clashing or interfering with the exercise of the same powers by the others, were intended to be retained, and *were retained* by the states in their separate capacities. If this was the true intent and meaning of the parties in framing and executing that compact, & your committee cannot doubt that it was, *then* it irresistibly follows, that Congress cannot by *implication*, derive from that compact, power to do *any act* which can interfere with the just and full exercise, by the states, of powers, which each *can within* itself exercise in a way sufficiently beneficial to itself, without clashing or interfering with the full exercise of the same powers by any other state within itself: such are the powers of each state to make roads and canals, and regulate its slave population within its own limits; whenever, therefore, it shall become a question whether a particular power is vested in the General Government, such question can always be determined by reference to this test.

But it is not the intention of your Committee to enter into the discussion on the present occasion, of what are the powers granted, or what retained by the states; or whether the Federal Government possesses other powers than those expressly defined in the Constitution. for they deem such discussion, in its full extent, wholly unnecessary to a cor-

rect decision on the inquiry submitted to them. The question is, has Congress power to appropriate money out of the common fund to aid the Colonization Society, or for objects, to attain which, that Society was established? The most strenuous advocates of the rights and powers of the Federal Government have never ventured to contend that it is other than a government of limited sovereignty: they have contented themselves with insisting *only*, that in addition to the powers expressly granted, it possesses all powers necessary for carrying into full effect those given powers; and in a few instances, apparently trifling in themselves, but of immense magnitude when taken as precedents, (finding that these sources of power have failed to sustain them,) they have sought for shelter under the flimsy covering of the words in the 8th section, 1st article, "provide for the common defence and general welfare of the United States"---such is the case now under consideration. No one can have the hardihood to contend, that there is a word in the Constitution which expressly gives to Congress the power to make the appropriation in question; or that the exercise of such power is necessary for the full and effectual exercise of any power expressly granted; nor is there in that Constitution, any other clause than the section above referred to, which, by any construction, could be strained into a grant of such power. On these words then, are the advocates of this appropriation compelled to rest the issue of their cause, and on the intent and meaning of these words, as applicable to that issue, your committee are prepared to join in *that* issue.

It will scarcely be contended, that the establishment of an African Colony, at the distance of three thousand miles, on a barbarous and pestilential shore; or that the liberation of the slave population of the south, is necessary or essential to the common defence; nor do your Committee believe, if those objects were effected, that they would be for the general welfare of the Union. The establishment of distant colonies would, by extending our relations, multiply the causes of foreign wars; and the existence of slavery in some of the states, cannot, as your Committee can perceive, influence in any manner, the internal prosperity or affairs of the other and distant states; on the other hand, they believe, that the liberation and transportation of the slave population, even if it could by any pos-

sibility be effected, would impoverish and depopulate the southern section of our country, while it would diminish the welfare of the negroes themselves.

But it is not the intention of your Committee to inquire into the expediency of the measure, for it has been well and truly said by one who has felt and thought deeply on the subject, that to rest the exercise of the power in question on its expediency, is to give up the right, and to subject ourselves, at once, to all the evils and mischiefs consequent upon its exercise..... Your Committee have based the issue on the ground of right; they deny the power of Congress to make such appropriation; and they say, that if the question of power is to be determined by construction, and by construction alone can it be claimed, then they say, that it is manifest on the face of the Constitution itself, that the convention intended to prohibit Congress from the exercise of such power. It has been ably argued by a writer in an adjoining state, and as your Committee believe conclusively, that the words "general welfare" above referred to are words of limitation, and not of grant of powers: that they do not give Congress a right to appropriate money at its discretion, but limit that body to such appropriations as are for the welfare of the whole Union. But your Committee deem it unnecessary to examine what are the appropriations which Congress can constitutionally make under these words, whether they be words of limitation or not, but will confine themselves to the question, whether from other provisions of the Constitution, the clause can in either case be relied on to prove, that it was the intention of the convention, by the insertion of those words, to give the power to Congress to make the appropriation in question.

If your Committee are correct in the opinion, that the convention meant to grant to the Federal Government only those powers which could be fully and efficiently exercised by a single sovereign, and which could not be fully and separately exercised by the states individually, without clashing and interfering with each other; and that all other powers were reserved to the states respectively; and if this separation and designation of powers was deemed so important, that by an amendment of that Constitution, it was declared in express terms, that the powers not delegated to the United States, should be reserved to the states respec-

vely, or to the people ; then it follows that it could never have been the intention of the framers of that instrument, to grant to the Federal Government any power to appropriate money in a manner which could interfere with, disturb, or control the states in their fullest exercise of the powers reserved to them. But your Committee believe, that such argument on general principles, will become unnecessary to the support of the position which they have taken, if they can produce a clause in the Constitution, of reservation by the states, which would be rendered absurd and worse than useless, provided the convention intended under that clause of the 8th sec. of the 1st art. to give to Congress the power contended for. Where the meaning and effect of every word was carefully weighed and reweighed, and examined before its insertion ; where every word thus carefully inserted, was afterwards jealously and severely scrutinized by thirteen assemblies of the wisest and best men in their respective states, each vigilantly watching and guarding their own local interests and circumstances, it can scarcely be believed ; that two clauses could be inserted and permitted to remain, one of which could operate to defeat, and finally to destroy the whole object of the other ; yet such must inevitably be the result, if the construction insisted upon be correct.

At the first establishment of the Colonization Society, whatever may have been intended or avowed as its object, your Committee believe that they can say with truth, that the general impression in the southern states as to that object was, that it was limited to the removal beyond the U. States of the then free people of colour and their descendants, and none others. Under this impression, it at once received the sanction and countenance of many of the humane, the wise, and the patriotic among us. Auxiliary societies were formed in our own state, and the numbers, the influence and the resources of the society were daily increased : it is now ascertained that this impression was false, and its officers and your Committee believe the society itself now boldly and fearlessly avow, that its object and ever has been, to remove the whole coloured population of the Union to another land ; and to effect this object, so wild, fanatical and destructive in itself, they ask, that the general fund, to which the slave holding states have so largely contributed, should be appropriated for a

purpose so especially ruinous to the prosperity, importance and political strength of the southern states.

That the people of the south, at the time of the adoption of the Constitution, considered not only the retention, but the increase of the slave population, to be all important to the welfare and interests of their states, is manifest from the reservation in that instrument itself, which, it cannot be doubted, was inserted on their express requisition. By the first clause of the ninth section of the first article, it is provided, "that the migration or importation of such persons as any one of the states now existing shall think proper to admit, shall not be prohibited by the Congress, prior to the year eighteen hundred and eight." Who were the persons here meant? Africans---And for what purpose were they to be imported, and into what states? They were to be imported to be held in slavery in the southern states---Who then were the parties interested in making such reservation? The people of the south, and they alone---What was the motive of those people in insisting upon the reservation of the right to make such importation for twenty years? Unquestionably to increase that species of population---Why increase it? Because they believed it to be essential to the improvement, welfare, and prosperity of their section of the country; and upon the numbers which, by another provision of the Constitution, the weight of the southern states in the general council in part depended. If such were the motive, and what other could there have been, for the insertion of that reservation, can it be believed, that those very people meant, by another clause to give to Congress the power to appropriate money out of the common fund to which they were so largely to contribute, for the purpose of again removing that very population, the right to increase which, was so carefully reserved; that they insisted upon retaining the right to import Africans, merely again, and in part at their own expense, to re-export them to the shore from whence they had been brought---yet such would be the effect of the constructive power contended for---Your committee now asks if it can be believed for a moment, that it was the intention of the convention under those general words of the 8th section of the first article, to give to Congress a power to appropriate the common fund to the removal of the slave population of the country?

Your committee have done with the argument---it has been presented with the sole view of satisfying the people of Georgia, that their representatives here assembled, in entering a protest against the exercise of such power, are justified in such proceeding by the Constitution itself; and not with any hope or expectation of changing the settled purpose of those, who from selfishness or fanaticism are urging Congress to the exercise of this power; or who, from morbid sensibility, or ignorance of circumstances, or indifference to the effect upon us or our coloured population, are using every means in their power to render that people discontented with their present situation; a situation far preferable, as your committee believe, in point of ease and comfort, and nearly as independent as that of the white laborers of the Northern or Eastern States, or of any nation in Europe.

Your Committee cannot avoid reprobating the cold-blooded selfishness, or unthinking zeal which actuates many of our fellow-citizens in other states, to an interference with our local concerns and domestic relations, totally unwarranted either by humanity or constitutional right---such interference is becoming every day more determined and more alarming; it commenced with a few unthinking zealots, who formed themselves into abolition societies; was seized upon by more cunning and designing men for political purposes; and is now supported by more than one of the states, as is evident from the amendments of the Constitution proposed by legislative bodies, and so frequently, and indeed insultingly presented for our approbation---The result of such interference, if persevered in, is awful and inevitable. The people of Georgia know and strongly feel the advantages of the Federal Union---as members of that Union, they are proud of its greatness---as children born under that Union, they love it with filial affection---as parties to that Union, they will ever defend it from foes, internal or external; but they cannot and will not, even for the preservation of that Union, permit their rights to be assailed---they will not permit their property to be rendered worthless---they will not permit their wives and their children to be driven as wanderers into strange lands---they will not permit their country to be made waste and desolate "by those who come among us under the cloak of a time serving and hypocritical benevolence."---

But how is this increasing evil to be met and remedied? Nothing can be hoped from remonstrance---the judicial tribunals of the Union cannot reach it---our own Legislature can by no enactment prevent it---How then is this evil to be remedied? Only by a firm and determined union of the people and the states of the south, declaring through their legislative bodies, in a voice which must be heard, that they are ready and willing to make any sacrifice, rather than submit longer to such ruinous interference; and warning their enemies that they are unwittingly preparing a mine, which once exploded, will lay our much loved country in one common ruin. Your Committee hope that such a calamity is yet far distant, and that there is still remaining in the Congress of the Union, sufficient discretion, intelligence, and patriotism to avert it altogether---with that hope, they deem it unnecessary now to do more than to recommend the adoption of the following resolutions:

Resolved by the Senate and House of Representatives of the State of Georgia in General Assembly met, That the Congress of the United States have no constitutional power to appropriate monies to aid the American Colonization Society, or for objects to effect which, that Society was established; and that this Legislature, representing the feelings and will of the people, and the sovereignty of the State of Georgia, in the name and in behalf of the State of Georgia, denying the right, solemnly protest against the exercise or any attempt to exercise, such unconstitutional power by the Congress of the United States.

And be it further resolved, That copies of the above Report and Resolution be forwarded to our Senators and Representatives in the Congress of the United States, and that our senators be instructed, and our representatives be requested, whenever circumstances may render the same necessary, to present the said Resolution to both Houses of Congress, as the protest of the State of Georgia against the right of Congress, constitutionally, to appropriate monies in aid of the American Colonization Society.

And be it further resolved, That a copy of the above report and resolutions be forwarded to the Governor of each

slave holding state of the Union, with a request that the same shall be laid before the respective Legislatures, asking their concurrence in such constitutional mode as to them shall seem best to prevent the exercise of such power by the Congress of the United States.

Resolutions approved Dec. 27, 1827.

IN SENATE, *December 5, 1827.*

The Committee on the State of the Republic, to whom was referred so much of the Governor's communication as relates to the powers of the General Government, claimed and exercised for the purposes of encouraging domestic manufactures, and effecting a system of internal improvement, beg leave to make the following REPORT:

The Committee are aware that it is assumed by the General Government, as expressed in the decisions of the Federal Court, that State Legislatures have no right to complain of its usurpations however formidable or fatal. That the General Government is said to be "truly and emphatically a government of the people," and therefore entirely out of the reach of representative bodies whose sole duty it is to keep within the sphere of their own delegated trust. It would seem that if even such a pretension were admissible, it should be considered no great breach of decorum, for a sovereign state through its highest known authority to approach a government it had contributed to establish, with a subject of complaint, especially when it is perceived that much inferior bodies are patiently listened to, and listened to with effect. While manufacturing companies and self-created delegates, pretending to represent whole States, assemble for the purpose of directing the Congress what measures they must adopt, surely the Legislature of a State without much violence to any known rule of modesty, may respectfully offer a counter remonstrance to such a growing temper of dictation. But it is not in this humble manner that your committee would recommend the Legislature to prefer their just complaints to the General Government. They claim it as a right to remonstrate with that Government on all measures which they may conceive violative of the fundamental principles of its institution. They affirm that those who create a delegated government have lawfully the power to restrain it within its proper bounds, and maintain the doctrine asserted by Luther Martin, in his address to the Legislature of Maryland, at the time of the adoption of the Federal Constitution, that "the proper constituents of the General Government are the States, and

the States are to that Government what the people are to the States, that this is entirely within the spirit and intention of the Federal Union."

In support of this, as well as other principles which will hereafter be presented in this report, the committee will frankly own they can offer nothing new to the Legislature, for it is a subject that has been so much discussed, all must be familiar with its details, nevertheless with the above acknowledgment to embody some of the leading objections to the course pursued against the rights of the States, will not, it is hoped, be considered improper. The people cannot be too well enlightened on this subject.

First, then—The Committee contend that the States, through their Legislatures, have a right to complain of, and redress if they can, all usurpations of the General Government. They maintain "that the terms of the grant, in the Federal Constitution, did not convey sovereign power generally, but sovereign power limited to particular cases, and with *restrictive means* for executing such powers," and further, that the powers "were delegated not by the people of the United States at large, but by the people of the *respective States*, and that, therefore, it was a compact between the different States." Composed as the States were at the close of the revolution, being independent then of each other as they were previous to that event, and in the exclusive possession of self-government, it will be readily admitted there could be but two ways to form the General Government, either by "compounding the American people into one common mass," giving up their State Governments and suffering the majority to govern; or, by continuing their State Governments and delegating a part of their power to the General Government for the protection of the whole. Under one or the other of these methods has the General Government come into existence. Now, no one will pretend to say, that it was under the first named method: the power was not delegated by the people, composing one great *consolidated community*, but by the people of *each State*, unconnected with and independent of the people of the *other States*, in their *corporate capacity*.

If the history of this transaction is attended to, every one must be convinced that, from first to last, it was a procedure of the States, and not of the people composing one great political society. They were separate and distinct before the revolution—they confederated as States for the purpose of more effectually conducting them through that struggle—they remained independent and were so acknowledged with all their rights, territorial and municipal, at the close of it. By States the proposition was made to enlarge the powers of the Confederation. The States appoint delegates for that purpose; they assemble, make and submit to the States a Constitution, expressly declaring that when the same is ratified by nine out of the thirteen States, the same

shall be binding, and the States are still found exercising independent and sovereign control over their ungranted powers. Now if the assent of a *majority of all the people* of the United States was necessary to ratify this instrument, was it not as easy to have so declared, as to say that nine out of thirteen States should effect that object? Would it not have been more intelligible and have better answered the purpose, if such was intended, than the mode adopted? But that this was not intended was obvious from the fact that according to the plan pointed out for the ratification of the Constitution, more than two thirds of the States might have received the instrument, and yet a majority of the whole people would have rejected it. For instance, at the first census in 1790, Massachusetts, New-York, Pennsylvania, and Virginia had 56 members out of 105 in Congress; at the second census in 1800, they had 74 out of 141, and in 1810, they had exactly one half of twenty-three States. Now every one must perceive, if these four States had alone voted against the Constitution in opposition to all the rest, the instrument would nevertheless have been adopted, and clearly adopted against a *majority of the whole people* of the United States.

The absurdity of this result, to-wit to have a government founded upon the *will* of a *minority*, is so extravagant as to refute altogether the idea that the Federal Government is "truly and emphatically a government of the people." But it is contended that the Constitution was ratified by the States assembled in convention, and that therefore the people of each State adopted it—This is granted; and in what other way could it have been ratified?—This is the only way that the *sovereignty* of the State could act. It was the sovereign consent of the State that was asked—this could not have been expressed by any one branch of the Government of the State for the sovereignty does not lie in any one branch alone—But after the people of each State had, in their sovereign capacity, delegated a portion of their sovereign power to the General Government, and that Government received it as a *TRUST*, every one must perceive, that as the people of each State cannot always remain in Convention, for the purpose of taking care of their reserved, and guarding the exercise of granted powers; and as they have in their State Constitution granted the residue of the power not previously conferred upon the General Government to their own Legislature, except such as are *specially* given to the Executive and Judicial branches of the Government, in no manner partaking of a *representative* nature, it follows that the care of this *TRUST* as well as every other interest of the people of each State not granted to the co ordinate branches of the State Government, belongs to their Legislature. To make this idea clearly understood: All power is in the people—They are obliged to exercise it by representatives—They grant a portion of it to the General Government—The residue is distributed

among their own Legislative, Executive, and Judicial branches of Government—The watching and superintending of the powers granted to the General Government so as to keep it within its proper limits, must remain somewhere. The people act alone by their State authorities; this right is not with the Executive or Judicial authorities of the State; the conclusion is irresistible, that their representatives in General Assembly met, have the right to protect the States from the usurpations of the General Government, and to remonstrate against any act that shall *encroach* upon the powers reserved by the people and granted to their own Government—Under this firm conviction, the committee claim for the Legislature the right to protest, and earnestly remonstrate against the exercise, on the part of the General Government, of any undue powers, and especially, a power assumed by them to encourage domestic manufactures, and to effect a system of internal improvement within the States. We know that all complaints are listened to with jealousy and sometimes with contempt, and unfortunately, this State has had stronger evidence of this, than the general truth of the remark. But we likewise know, and if it were necessary, we could produce more instances of the fact than is furnished by the American Revolution, that a long course of abuse, encroachment and oppression followed up after repeated warnings and respectful expostulations, have terminated in a convulsion fatal to the affections which generally bind together either men or nations. We do most solemnly deprecate such an issue of the attachment which we bear to the General Government, and if that Government entertains a faithful recollection of all history on this subject, and is not borne away by the pride of superior power and strength, which usually closes the ear to just remonstrance, there is yet no danger of such a result. But if reckless of the fact, that the only true cement of the Union, is a generous and high-minded affection of its members for each other, and that no sordid motives of speculation or selfish desire to prosper upon each other's injuries or misfortunes has brought them together, it must be obvious to every understanding, that an uncompromising course of self-willed legislation upon subjects so long and so often objected to, must inevitably end in the worst of consequences.

If the subjects of Domestic Manufactures and Internal Improvement depended upon the question of expediency, we should have nothing to say, for that is a matter purely within the power of Congress; and although we should greatly deplore the adoption and continued prosecution of a policy obviously grinding down the resources of one class of the States, to build up and advance the prosperity of another of the same confederacy, yet it would be ours to submit under the terms of our compact. All argument is vain against interest supported by power. But we do most solemnly believe, that such policy is contrary to the letter and spirit of the Federal Constitution.

All must agree, that the best method of ascertaining the intention of the framers of the Constitution, wherever the power is doubtful, is first to go to the *letter* of the power, and then to the history of its origin as contained in the journal of the Convention. This is the method we propose to pursue in relation to the two subjects just above expressed.

When we ask for the *letter* of the above powers in the Constitution, there is a diversity of opinion on the subject, and we are pointed to various passages in that instrument, by various advocates of the General Government's right, not uniformly agreeing among themselves on the different clauses conferring this right — Now this uncertainty of itself ought to create great doubt, and in all free government, doubt and forbearance in relation to the exercise of power, ought to be synonymous. But most persons refer to that particular clause of the Constitution, which gives to Congress the power to regulate Commerce with Foreign Nations, and among the States.

Before we examine this point with reference to its particular import, it will be proper to lay down some general principles which made the *establishment* of the Federal Government at all necessary. If the intelligence and moral character of the States were altogether sufficient for their own internal police, (and that it has been, stands fortified by the most ample experience) wherefore the necessity of a General Government? Every body perceives that the laws which would do for the municipal regulation and internal affairs of Massachusetts would not do for Georgia; and therefore a Government to legislate for both, in those particulars, would be absurd and ridiculous. What then was it that made these two States unite in what is called a *General Government*? Does any one believe it was that *both States* should legislate for the particular interest of one, and against the particular interest of the other? Or to come more to the point, that *both* should legislate for the promotion of the *manufactures* of the one, and directly against the *agriculture* of the other! No one can believe this, unless he is prepared to say that the weaker State was utterly destitute of all sense of self-preservation. The exclusive inducement and sole motive then to the UNION was, first "COMMERCE, and secondly, the COMMON DEFENCE." Every one must at once perceive, who has any knowledge of the history of the times, that at the close of the Revolution, the States were left in the most ruinous condition, as to their public *debt* and *credit* — that to COMMERCE, every State looked as the only efficient source to relieve them from their burthens; and as each State had exclusively the right to regulate its own trade, the utmost perplexity and confusion must have resulted from the great diversity of interest which existed among them. Commerce too is the fruitful source of war. To regulate then, a matter so essential to the welfare and peace of the States considered as neighbors, who had just come out from a most disastrous conflict, the common

dangers and sufferings of which had greatly endeared them to each other, and to DEFEND this interest from internal and external aggression, was the true and only ground of the Confederation—Or, in the language of an able writer, all that was desired, “was a FEDERAL HEAD to regulate Commerce, and a *Federal arm* to protect us.” To secure these objects, all the powers granted in the Constitution, are entirely referable. It is a General Government, and therefore the powers are *general*. The States never intended to give up one particle of power that related to their *internal police*; all the powers of the General Government are *national*, that is to say, they are suited to the *whole confederation* as one nation; they are not to operate partially so as to effect one State and not another. All the powers granted by the General Government, with the exception of taxation, the States cannot legislate upon, so that when it is necessary to ascertain the powers which belong to each, it is alone tested by this principle—If the General Government can legislate upon it, the States cannot, and vice versa. The two Governments do not possess *concurrent* power of legislation on the same subjects. The Federal Court has declared that “it is the genius and character of the whole Government, that its action is to be applied to all the *external and internal concerns which affect the States generally and equally*; but not to those which are completely within a particular State, which do not affect other States, and with which it is not necessary to interfere for the purpose of executing some of the *general powers of the Government*.”

With these general reflections, let us proceed to consider the right of the General Government to encourage Domestic Manufactures, under the right to regulate Commerce. It is readily conceded, that any law regulating Commerce for its sole *advantage*, or for the purposes of *revenue* which shall incidentally promote the interest of Manufactures, will be perfectly reconcilable with the power to regulate Commerce; but the moment it loses sight of either of those objects, then it is a departure from the spirit and true intent of the Constitution; and a breach in that regard, according to all interpretation of law, is not less illegal than a violation of the most express provision in the instrument. If COMMERCE was one of the prime causes of the UNION; if it was the source to which *each* State looked for its prosperity, it surely was the *intent and interest* of the whole to have it so regulated by the General Government, as to be productive of the greatest possible advantage to the confederation. In giving up their great source of wealth to the Union, no one can believe it was for any other object than to be encouraged, fostered, and promoted by all the means which the united energies of all the States could exert. In the power to regulate Commerce, no one could possibly conceive there was contained a lurking principle to destroy it; yet every one must admit, that the direct tendency of encouraging manufactures, is to produce that effect. And it

proof of this assertion, commercial men, commercial cities, from one end of the Union to the other, raise their hands and voices in the most earnest opposition to this singular method of regulating commerce by promoting manufactures.

But there is another view of this question which is worthy of peculiar notice. It is a principle which no one will deny, that what is *directly* forbidden, cannot be *indirectly* effected. Now the Federal Constitution, in granting the power to regulate commerce, was so fearful that the regulation might be made to operate partially upon the States, to the benefit of some and injury of others, that it declared "no tax or duty shall be laid on articles exported from any State. No preference shall be given by any regulation of commerce or REVENUE to the ports of one State over those of another." If then no regulation of commerce or REVENUE could directly be made to act unequally upon the States, how happens it that a regulation concerning manufactures, bottomed upon the power to regulate commerce, can lawfully have that effect. In other words, if a law compelling Georgia to pay duties to Massachusetts for the protection of her commerce would be unconstitutional, how does it happen that a precisely similar law to protect manufactures, derived from the right to regulate commerce, is not equally so.

In carefully consulting the journal of the Convention, nothing appears on the subject of manufactures, until the 18th of August—On that day this power was proposed to be given, to-wit: "to establish public institutions, rewards and immunities for the promotion of Agriculture, Commerce and Manufactures." On the 25th of the same month, another proposition "to assist the President in conducting the public affairs, there shall be a council of State of the following officers: among others, the Secretary of Domestic Affairs, who shall be appointed by the President, and hold his office during pleasure. It shall be his duty to attend to matters of general police, the state of agriculture, and manufactures, the opening of roads and navigation, and the facilitating communications through the United States. And he shall, from time to time, recommend such measures and establishments as may tend to promote those objects." These propositions were referred to what was called the committee of detail; and afterwards on the 31st of August, was referred, together with some other reports which this same committee had partially made, to a grand committee composed of one member from each State. On the 5th of September this committee reported, among other things, the following proposition, which is now found standing in the Constitution, to-wit: "To promote the progress of SCIENCE and the USEFUL ARTS, by securing, for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries." This clause then is all that could be produced from the unequivocal propositions to grant

the power to the General Government, of encouraging manufactures—And what is it? The right to promote science and the *useful arts*. Under the first, no one will contend that the power to protect manufactures will result. It must be then under the last. And there is no doubt, under the expression of *useful arts*, as distinguished from the term *fine arts*, both *agriculture* and *manufactures* would properly fall.

All persons will agree that no *arts* can be more *useful* than agriculture and manufactures. Every one must at the first glance perceive that, if the clause had have stopped at the word "*useful arts*" the power to promote *manufactures* would have been full and complete beyond all cavil. But does it stop here? Is it a general or limited power? And if a limited power, how is it limited? Let common candor answer the question, not by protecting duties, not by imposts on foreign exports, not by premiums and bounties, but "by securing, for limited times, to authors and inventors, the exclusive right to their respective writings (in *science*) and discoveries (in the *useful arts*.) Now, says an able advocate of State rights, "If a power to promote a specific object, by a prescribed mode, does not exclude the power to promote it by a different or other mode, then there is no truth in a universal maxim (in law and logic) that "the expression of *one thing* is the exclusion of *another*." The restrictive words upon the power to promote the *useful arts*, must have meant something; and is any one so uncandid as not to own that it was merely to "*secure to ingenious men patents for their inventions*."—*Writings and inventions* would alike benefit all the State, being *general* they would have an equal and impartial operation over the *whole Union*—Not so by encouraging the *fabricks* that resulted from these inventions; for some States might possess greater means both moral and physical to produce them. The *inventor* of the plough might be rewarded, but no one will contend that it should entitle the *ploughman* to an exclusive privilege over the *weaver*—Nor would a *patent* for the *steam loom* authorise a peculiar indulgence to its *cloth* over the hard earned bread of the planter. These being all local and partial operations, would subject the States, if submitted to the legislation of the general government, to the most unequal effects, and wholly subversive of that principle which we have already mentioned, that the "action of the general government is to be applied to all the external and internal concerns which affect the States generally and equally; but not to those which are completely within a particular State." Manufactures had been proposed in the Convention, and so had the sciences, and all that could be possibly obtained for them was the provision we have just explained. Every one must believe if more had been intended, more could have been given; for never was a subject so entirely before a deliberative body, than was that of *manufactures* before the Federal Convention.

But there is another section of the Constitution, which when taken in connection with the history of its adoption, places this question beyond all doubt, and for the exposition of which, the committee are indebted to an able southern writer on the subject of Federal Powers. It is the following: "No State shall, without the consent of Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the nett produce of all duties and imposts laid by any State, on imports or exports shall be for the use of the Treasury of the United States, and all such laws shall be subject to the revision and control of the Congress." Those who will consult the structure of this clause, in the journals of the Convention, will find that perhaps none other was more disputed; and that a very different object was intended, from that of levying a trifling duty to execute inspection laws. What was that object? It cannot be discovered from the clause itself; and perhaps none in the constitution has been so often read without a knowledge of its true intent and meaning. To grant the State the privilege of imposing duties beyond what is necessary for inspection laws, merely to go into the National Treasury, seems to be perfectly idle. What benefit is it to be to the States? Some was certainly intended, and fortunately, there is at hand a key to this mystery. It was to enable the States, within themselves, if they desired it, to protect their own manufactures, by the imposition of export duties on the raw materials, or imposts upon foreign fabrics. Without this construction, every body must at once perceive that the clause is useless and ridiculous, and is the only feature, of the Constitution without meaning or motive. But, happily for the interest of the agricultural States, we have a contemporaneous and complete explanation of the object and intention of this clause.

Mr. Luther Martin, a Delegate of the Convention from the State of Maryland, in giving to his State an exposition of the Constitution, on this particular clause indignantly remarks—"Every State is also prohibited from laying any imposts or duties on imports and exports, without the permission of the General Government. It was urged by us, that there *might be cases*, in which it would be proper, for the *purpose of encouraging manufactures*, to lay duties, to prohibit the exportation of raw materials; and even in addition to the duties laid by Congress, on imports for the sake of revenue, to lay a duty, to discourage the importation of particular articles into a State, or to enable the *manufacturer here*, to supply us on as *good terms* as they could be obtained from a *foreign market*. But the most that could be obtained was, that this power *might be exercised* by the States, with, and *only* with the consent of Congress, and subject to its control; and so anxious were they to seize on every shilling of our money for the general government, that they insisted even

the little revenue that might thus arise, should not be appropriated to the use of the respective States where it was collected, but should be paid into the Treasury of the United States, and accordingly it was so determined." Besides fully accounting for the clause in question, what are the rational inferences from the foregoing quotation. In the first place, we see that the power of Congress itself to lay duties on imports was for "the sake of revenue" alone. In the next place, aside from the fact, that the subject of manufactures had been before the convention and settled to be promoted only by *patent*; if there had been any power reserved to the General Government to encourage that object, Mr. Martin would not have asked for that right to the States, seeing that the only manner in which it could be done was forestalled by the Constitution, in conferring upon Congress the exclusive right to impose duties on imports. The States being engaged in different pursuits, all subject to clashing interests, a general power could not be given to the Federal Government to regulate such a local concern—Accordingly it was placed as it should be, at the discretion of each State, who might protect its own manufactures, if it should choose to do so, without calling upon its sister States to bear the burthen. Adopting the ideas of a profound writer on this subject, surely a State does not wish greater advantages by the Union, than would be enjoyed by her confederates? Surely she does not desire more, at the expense of her sister States, than she would possess if she remained free and independent—Surely, if sovereign and independent of the whole world she would not lay duties to encourage her own domestic manufactures, because it would oppress her commerce and agriculture; she will not wish their prosperity at the sacrifice of the very same interests of her neighbors? If there is any State that desires her manufactures to be promoted, why does she not avail herself of the express provision intended for that purpose? Is it because it will injure her other great concerns? And have other States no interests to affect? If a State has the power by the Constitution, to do exactly what she might do if alone, and it is her interest to do so, why does she not proceed to encourage her manufactures by the appointed means? No—the fact is, such a State wants the profit without the burthen of such a measure; and as long as she can tax her associates to answer her purpose, her own community will never be made to bear any of the sufferings of such an unequal system. If other States are obliged to pay the cost, or even divide it with the State seeking to establish her manufacturing institutions; if their exports and imports are to contribute to the welfare of northern money-making projects, and to advance the schemes of private capitalists, depend upon it, the only method that will be pursued is the one found in the increasing exactions of the tariff laws of 1816, 20 and 24.

With regard to the question of Internal Improvement, independent of the fact, that there is not a solitary expression to be found in the Constitution, in the remotest degree connected with that subject, we have already shewn that on the 18th and 20th of August, a distinct and full proposition to grant that power was rejected by the Convention; and the Committee would here observe that many of the remarks which they have made on the subject of manufactures, will be strictly applicable to this branch of the subject. But in addition to what has been submitted, we have to state, that the following facts are to be found on the journal of the Convention, to-wit: on the 18th of August it was specially proposed to vest in Congress the power "to grant charters of incorporation, in cases where the public good may require them, and the authority of a single State may be incompetent.

To establish a University.

To encourage by proper premiums and provisions the advancement of useful knowledge and discoveries.

To establish seminaries for the promotion of literature and the Arts and Sciences.

To grant charters of Incorporation.

To establish public institutions, rewards and immunities for the promotion of agriculture, commerce, trades and manufactures; and to regulate stages on the post roads." Now, where are any of these powers to be found in the Federal Constitution; and what course of reasoning can entitle them to a place in an instrument purporting to contain nothing but expressly defined powers. But this is not all—On the 14th of September, only three days before the final passage of the Constitution, some still anxious to enlarge the powers of the General Government, after the instrument was presented for the adoption of the Convention, proposed "to grant letters of incorporation for canals," &c. which was rejected.

The Committee are aware that the subject is far from being exhausted, but time would fail them to present all the objections which could be justly preferred against the course of the general government. Less could not be said, for the subject is of such growing magnitude, and is producing sensations of such just inquietude among the people of the South, that they ought to be made thoroughly acquainted with all its bearings, and certainly can never be too often admonished to be prepared for the worst events. The Committee are fully sensible that every degree of moderation is due to the question, upon which they have founded the present serious complaint; but they owe it to truth and sincerity to say, that it is their decided opinion an increase of Tariff duties will and ought to be **RESISTED** by all legal and constitutional means so as to avert the crying injustice of such an unconstitutional measure.

They are constrained too to say, that this State ought to *oppose* in every possible shape, the exercise of the power, on the part of the General Government, to encourage Domestic Manufactures, or to promote Internal Improvement. They will not pretend, at present, to recommend the mode of *OPPOSITION*; but they will recommend the peaceable course of remonstrating with Congress on the subject, and of asking of that body to pause before it proceeds any further in measures that must inevitably destroy the affection of some of the States for the General Government. It will detract nothing from the firmness or wisdom of the Congress, to listen to the voice of State Legislatures while it is considering the memorials of *manufacturing companies*.

If to the contempt of *right*, there should be added the jealousy of *partiality*, it must be obvious to all that there will be an increased account of unmerited aggravation. How long a people shall be permitted to complain, or how much they can be made to suffer, has always been matter of dangerous experiment or doubtful calculation; and knowledge acquired under either issue, has never been without its certain and severe regrets. In conclusion, your Committee recommend the following resolution:

Resolved, That his Excellency the Governor be and he is hereby requested to cause the foregoing Report to be laid before Congress at its next session. And that he forward a copy of the same to each of the other States, to be laid before their respective Legislatures for the concurrence of such as may approve of the principles therein avowed; and as due notice to those who may dissent from the same, that Georgia as one of the contracting parties to the Federal Constitution, and possessing equal rights with the other contracting party, will insist upon the construction of that instrument, contained in said Report, and will SUBMIT to no other.

Read and agreed to—THOMAS STOCKS, President.

Attest—WM. Y. HANSELL, Secretary.

IN THE HOUSE OF REPRESENTATIVES,

December 24, 1827.

Read and concurred in—IRBY HUDSON, Speaker.

Attest—WM. C. DAWSON, Clerk.

IN SENATE, Nov. 5, 1827.

Resolved, That Jacob R. Brooks, Esq. be and he is hereby appointed a Commissioner of the navigation of the Chattahoochie river, in the place of Gilbert D. Greer, resigned.

Approved Nov. 9, 1827.

IN SENATE, Nov. 9, 1827.

The committee to which was referred the petition of William Herb, of Chatham county, have had the same under consideration, and Report :

That from the evidence furnished them, there remains no reason to believe that there was any intention on the part of those engaged in the transaction to which the petition refers, to practice a fraud upon the State ; on the contrary the committee are satisfied that the whole originated in mistake and misapprehension, involving no criminal intention.

Your committee believe, that inasmuch as the petitioner was in fact entitled to a draw in the land lottery, and that he had himself registered his name in conformity with law, that he is well entitled to lot number 148, in the tenth district and third section, which was drawn by him in the course of the eleventh day's drawing, in the late land lottery---Under this view of the case, the committee recommend the adoption of the following resolution :

Resolved, That William Herb, of Chatham county, is entitled to lot number 148, in the tenth district and third section, of the land lately disposed of by lottery under the authority of this State ; and that the proper officers of the State are authorised to issue a grant therefor : *Provided*, that before such grant is issued, the said William Herb do execute an absolute relinquishment to the State of Georgia, of all right or title to lot No. 173, in the sixth district and fifth section of the land lately disposed of by lottery under the authority of the State.

Approved Dec. 24, 1827.

IN SENATE, Nov. 12, 1827.

Resolved, That James Hamilton Couper, of Glynn county, be and he is hereby appointed a Commissioner of the Altamaha river, in lieu of Colonel John Burnett, of Glynn county, resigned.

Approved Nov. 24, 1827.

IN SENATE, Nov. 12, 1827.

Resolved, That the senators and representatives of this State in the Congress of the United States, be requested to use their exertions to procure the passage of an act of Congress, providing for copying the documents and papers in the plantation office, and other public offices in England relating to the early history of Georgia.

Approved Nov. 24, 1827.

IN SENATE, Nov. 14, 1827.

Resolved, That James G. Conner and Duncan McCrithmon, be and they are hereby appointed commissioners of the Montgomery county academy, in place of Angus McLeod, deceased, and James Alston, removed.

Approved Nov. 24, 1827.

IN SENATE, Nov. 15, 1827.

The committee to whom was referred the petition and accompanying documents of the administrator of John Winn, late tax-collector of the county of Liberty, REPORT:

That they have had the same under their consideration, and that from the petition and documents, they have ascertained the following facts, that for the years 1818 and 1819, John Winn, qualified as tax-collector of the county of Liberty, and while in discharge of his duties as such, and before the same was completed, he departed this life, leaving uncollected a considerable portion of the taxes of the said county, that afterwards one Benjamin Mell, Jun. was elected tax-collector, perhaps for the year 1820; but the administrator of the deceased tax-collector, not being able himself to collect the taxes remaining unpaid, turned the digest of taxes over to the said Benjamin Mell, jun.

when he proceeded to collect the same, and has collected the sum of one hundred and ten dollars; and afterwards became insolvent, and has never paid the same, either to the State of Georgia or to the estate of the said Winn; and further that the sum of forty-one dollars and thirty-seven and a half cents was the amount of the insolvent list the years aforesaid, which has been allowed by the grand jury of the county of Liberty, but owing to the death of the said Winn the same was not presented within the time prescribed by law, and the estate of the said Winn not only stands charged with the one hundred and ten dollars collected by Benjamin Mell, jun. the successor of the deceased Winn, but also the insolvent list aforesaid, making one hundred and fifty-one dollars thirty-seven and a half cents, and for which sum, this committee have thought proper to adopt the following resolution, viz:

Resolved by the General Assembly, That the sum of one hundred and fifty-one dollars and thirty-seven and a half cents, together with the accruing interest, be placed to the credit of the said John Winn, in the Comptroller-General's Office.

Approved Dec. 14, 1827.

IN SENATE, Dec. 17, 1827.

Resolved, That both branches of the General Assembly will meet in the Representative chamber on this evening, at 7 o'clock, to elect a Major General for the 9th Division of Georgia Militia; and also the Principal Keeper and three Inspectors for the Penitentiary.

Approved Dec. 17, 1827.

IN SENATE, Nov. 21, 1827.

The committee to whom was referred the Governor's communication on the subject of a proposition made by the Bank of Darien, through their agent Dr. Jas. Troup,
REPORT:

That the Legislature accede to said proposition, to wit. that said Bank according to its solemn pledge will pay in-

to the State Treasury annually, commencing from the first of January next, \$150,000 in the bills of banks receivable at the Treasury, one half of said amount to be paid semi annually, until the whole amount of Darien money now in the Treasury be redeemed: *Provided*, that this resolution shall not bar or prevent any future Legislature from making such disposition of the bills of the Darien Bank now in the Treasury of this State, as they deem proper.

Disapproved Dec. 1, 1827.

JOHN FORSYTH, Governor.

In Senate, Dec. 18, 1827—Again read and agreed to by a majority of two thirds.

THOMAS STOCKS, President.

In the H. of Representatives, Dec. 20, 1827—Again read and concurred in by a majority of two thirds.

IRBY HUDSON, Speaker.

IN SENATE, Nov. 23, 1827.

Whereas, John Kenor, formerly of Bibb, now of Upson county, became security for Lawson J. Kenor for the rent of the ferry across the Ocmulgee river, at the town of Macon, for the year 1822, for which rent a judgment for more than twenty-one hundred dollars with interest and cost, has been recovered against the said John Kenor—And whereas the said John Kenor has had indulgence extended to him until the first day of January next, by paying up eight hundred dollars of the principal of said debt, and all interest and cost due thereon, and given security to the satisfaction of the Solicitor-General of the Flint Circuit for the payment of the balance due on said execution:

Be it therefore resolved, That all further proceedings be stayed on said execution for one year from the first day of March next: *Provided*, That the said John Kenor do pay by the first day of February next, the interest and cost which has accrued on said execution, and three hundred and twenty-five dollars of the principal, and give such additional security as the Solicitor General of the Flint Circuit may require for the absolute security of said debt.

Approved Dec. 7, 1827.

IN SENATE, Nov. 24, 1827.

The committee to whom was referred the petition of James Cartledge, administrator of Ayres Cartledge, dec. who was the collector of taxes in Columbia county for the year 1825, find upon an examination of the documents referred to their consideration, that the said Ayres Cartledge in 1826 collected a large portion of the taxes due by the citizens of the county aforesaid; that the said Ayres Cartledge departed this life in the month of August, 1826; that during the illness of the said Ayres Cartledge, the whole of the money collected by him was stolen—And by an act of the Legislature passed the 30th day of November last, an indulgence was granted to the administrator of the said Ayres Cartledge, dec. under certain conditions and stipulations expressed in said act; and the said James Cartledge, administrator of the estate of the said Ayres Cartledge, having again by his petition prayed a further indulgence for the payment of the taxes collected by the said Ayres Cartledge in his life time, and now due the Treasury of the State, for the following reasons, (to-wit.) that the said administrator had sold the real and personal property of the deceased on a short credit, with the hope of making collections to enable him to comply with the provisions of the before recited act, in which hope he has been disappointed, as he has been under the necessity of resorting to the courts of justice to enforce the collection of the money due the said estate; and from the total failure of the superior court in September last in the county aforesaid has been unable to make such collections as will enable him to comply with the provisions of the act aforesaid—

Our Committee therefore beg leave to recommend the adoption of the following resolution:

Resolved, That all further proceedings be suspended against the said James Cartledge, administrator of the said Ayres Cartledge, dec. for and on account of monies collected by the deceased in his life time from the citizens of the county aforesaid, and due the Treasury of the State of Georgia, until the first day of December, 1828: *Provided* that the said James Cartledge administrator aforesaid, shall on or before the 25th day of Dec. next file his bond in the

Comptroller-General's Office, payable to his Excellency the Governor and successors in office, with good and sufficient security conditioned for the payment of the tax or such part as may then appear due and collected by the deceased in his life time as aforesaid, on or before the first day of December, 1828, with lawful interest on the same from the time the same should have been paid into the Treasury.

Approved Nov. 30, 1827.

IN SENATE, Nov. 30, 1827.

The Committee to which was referred the petition of Abner Bartlet, have had the same under consideration, and Report :

That it appears very satisfactorily that in the year 1800 the petitioner purchased at public sales, a fraction of land No. 28, in the fourth district of Wilkinson, supposed to contain twenty and an half acres, for which he contracted to pay the sum of two hundred and twenty-five dollars in four equal annual instalments, with interest, which he has paid, making in the whole, two hundred and thirty-eight dollars and fifty cents, exclusive of four dollars paid for the grant; fifty-seven dollars and fifty cents of which was paid on the 23d December, 1807, and the balance of one hundred and eighty-one dollars was paid on the 23d July, 1810; it seems also to your Committee from the evidence furnished by the documents accompanying the petition, that in fact there is no such fraction of land, the whole of that represented as a fraction being embraced in lot No 814, in the 4th district of Wilkinson, except perhaps about one-half of an acre; under such circumstances your Committee believe that the claim of the petitioner is founded in strict justice, and recommend the adoption of the following resolution :

Resolved, That the sum of two hundred and forty-two dollars and fifty cents is justly due to Abner Bartlet, and that provision be made in the appropriation law for the payment of the same.

Approved Dec. 21, 1827.

IN SENATE, Dec. 5, 1827.

The Committee to whom was referred the petition and accompanying documents of Isaac Hall, late Tax Collector of Wilkinson county, have had the same under their attentive and serious consideration, and from the facts therein disclosed they are of opinion that the prayer of the petitioner is reasonable and ought to be granted; they therefore recommend the adoption of the following resolution:

Resolved, That the Treasurer of the State be forthwith instructed to surcease any further proceedings against Isaac Hall, of Wilkinson county, for or on account of the tax due by said county, for the year 1821.

Your Committee cannot however pass unnoticed the conduct of Wright Mims, late Sheriff of Wilkinson county and subsequent proceedings had thereon, in relation to the aforesaid tax.

They therefore respectfully recommend the adoption of the following resolution in relation thereto:

Resolved, That the Solicitor of the Ocmulgee circuit be instructed to take all necessary and lawful means to recover from Wright Mims, late Sheriff of Wilkinson county and his securities, the amount of taxes collected by him as Sheriff from Isaac Hall for the year 1821, and which remain unpaid at the Treasury; and that said Solicitor make report thereof to the next Legislature.

Approved Dec. 24, 1827.

IN SENATE, Dec. 10, 1827.

The Joint Penitentiary Committee have performed the duties assigned them, and respectfully submit the following Report:

That they have examined the buildings generally and find no repairs necessary at present, and that the business of the different departments are conducted in a manner highly creditable to the officers of the Institution.

Your Committee would refer the House for a particular detail of the transactions of the last year to the reports of the Principal keeper and the board of Inspectors.

Your Committee in regard to the reference from the House of Representatives, to inquire into the expediency of abolishing the office of Board of Inspectors are of opinion, that the same cannot be done without manifest injury to the Institution, inasmuch as it constitutes the only check to the abuse of power which might be exercised to the injury of the convicts.

Your committee regret that the Institution from the defect of its internal police, as yet has not realised the expectations of its founders in producing that reformation in the minds and habits of the convicts which was so fondly anticipated; the most prominent of these defects we hold to be the promiscuous association of the convicts. Vice has its shades and guilt its colours; the grey head of infamy requires the arm of omnipotence to work its reformation, and youth with present hopes deceived and a dark futurity in prospect are apt to look with complacency on the demoniac smile of guilt.

Your Committee would respectfully suggest that the uncertainty of the duration of punishment from the frequency of pardons, tends in a measure to increase crime; for it is in direct violation of the established maxim that the certainty more than the severity of punishment deters from the commission of crime.

Your Committee are of opinion that no officers of the Penitentiary should be allowed to furnish any of the raw materials necessary for the institution, either directly or indirectly, disclaiming at the same time any intention to censure any of the officers of the institution, but simply believe it to be a bad precedent, and that abuses might in time grow out of the practice.

And your Committee would therefore recommend the following Resolution:

Resolved. That in future it shall be the duty of the Principal Keeper to make out a bill of the coal and lumber that may be wanting in the institution from time to time, and that he lay the same before the board of Inspectors, whose duty it shall be to give thirty days notice in one or more papers in this place of the supplies so wanted and receive sealed proposals, and let the same to the lowest bidder.

Approved Dec. 26, 1837.

IN SENATE, Dec. 11, 1827.

The Committee to whom was referred the petition of Spencer Phillip, have had the same under consideration together with the documents accompanying the same, beg leave to REPORT—

That the prayer of the Petitioner is reasonable and ought to be granted, and therefore recommend the following resolution :

Resolved, That the sum of twenty dollars and twenty-five cents principal, and the further sum of \$4 for grant be inserted in the appropriation law, for the use of and to be paid to the said Spencer Philip, for so much money paid by him to the State, for which he has received no consideration.

Approved Dec. 24, 1827.

IN SENATE, Dec. 12, 1827.

Resolved, That His Excellency the Governor be and he is hereby authorised and required to cause to be refunded to James Bush, late Tax Collector of the county of Early for the year 1826, any money that may be paid into the Treasury of this State by the said Bush, on account of an over charge of the tax of the county of Early, for the year 1826, as aforesaid, and that the Comptroller General be, and he is hereby required to report to his Excellency the Governor the amount so over charged.

Approved Dec. 24, 1827.

IN SENATE, Dec. 13, 1827.

The Joint Committee on the State of the Republic, to whom was referred that part of the Governor's communication which relates to the boundary line between Florida and this State, have had the same under consideration, and now beg leave to make the following Report :

That an amicable but unsuccessful attempt has, during the present year, been made to ascertain and mark the dividing line between this State and Florida, by a commissioner on the part of the United States, associated with one appointed by Georgia. The failure has resulted entirely from a difference of opinion as to the true head or source of the St. Marys river. By the Constitution of Georgia, obviously and unquestionably founded upon the Treaty of Peace of one hundred and eighty-three, and confirmed by the second article of the Spanish Treaty of one hundred and ninety-five, that line was to run "from the northernmost part of the thirty-first degree of north latitude, on the Mississippi due east to the middle of the river Apalachicola or Chattahoochie; thence along the middle thereof to its junction with Flint river; thence straight to the head of St. Marys river, and thence along the middle of that river to the Ocean."

Many years ago commissioners were appointed under the aforesaid Treaty of one hundred and ninety-five, to run and mark the line above described; this however was not done, but a point was ascertained and marked as being the supposed head of St. Marys river, and distinguished by the name of Ellicott's Mound. Georgia had no agency, it was done by commissioners as before stated, appointed by the United States and the Spanish Government. But Georgia relying on the skill and research of the agents who superintended this important interest always supposed that this Mound might be at the true head or source of the St. Marys river, and has all along contented herself with that idea; but she has never done any act or admitted any principle which absolutely binds her to the observance of that point as the one to or from which said line should run. Upon frequent applications to the General Government to have this line run, it was at last consented to, and on the 4th day of May, 1826, an act was passed by Congress for that purpose. But there was a condition in that act to this effect: "That the line so to be run and marked, shall be run straight from the junction of said rivers Chattahoochie and Flint, to the point designated as the head of St. Marys by the commissioners appointed under the third article of the Treaty of one hundred and ninety-five, as before mentioned. The point designated was Ellicott's

Mound. This act it will be perceived, did not authorise the commissioners to run the line according to the Treaty, but according to an operation which had taken place under that Treaty many years ago, and which has since evidently turned out to be erroneous.

When the Commissioners proceeded to ascertain and mark the line under this act, it was clearly discovered by them that the true source or head of the St Marys river, had not been found by the Spanish and American Commissioners at the time they were sent to run that line under the said Treaty of one hundred and ninety-five.—When this fact was discovered and represented to the late Governor of Georgia, finding that the United States Commissioner was bound by the act before mentioned, and was not instructed to proceed in the matter according to the Treaty, he suspended all further proceedings, until the General Government and the Government of Georgia could have other and further explanations on this subject. The facts which have led to the discovery of this error, are very plain and satisfactory, and are contained in a document submitted to the Governor by the surveyor who accompanied the commissioners in their late attempt to run and mark said line.

Your committee are of the opinion that when the General Government comes properly to understand the true history of this difficulty, it will not insist upon any advantage which may be supposed to result from long acquiescence in the idea that Ellicott's Mound at the true head of the St. Marys river. It will be perceived that this has been an error altogether of the General Government's own creation, and Georgia has never in any manner either contributed to, or consented to be bound by it. Your Committee therefore recommend the following resolutions:

Resolved, That our senators and representatives in Congress be requested to procure another act of Congress, or an amendment of the one passed in 1826, authorising and directing the commissioners who may be appointed under the same, to proceed with such commissioners who may be appointed by Georgia to run and mark said line according to the true intent and meaning of the said Treaty of '95, and to ascertain and determine the true source or head of

the St. Marys river without any regard to previous operations which may have taken place in reference to said line, inasmuch as Georgia has had no agency in or been a party to any of said previous operations.

Resolved, That his Excellency the Governor be and he is hereby requested to forward to our said senators and representatives a copy of this request, an extract of the late Governor's message on this subject, a copy of McBride's report and survey, and such parts of the correspondence of the Commissioners as may afford any information in relation to said dispute.

Resolved, That in order to facilitate a speedy adjustment of the dispute and difficulty alike interesting to the General Government and people of Georgia, his Excellency the Governor be requested to open a correspondence with the President of the United States, with a view to the accomplishment of the objects of the above resolutions.

Approved Dec. 26, 1827.

IN SENATE, Dec. 17, 1827.

The committee on Finance, to whom was referred the communication of his Excellency the Governor, on the 14th inst. in relation to the surplus fund appropriated by the legislature for the use of the Commissioners of the Savannah river navigation between Augusta and Petersburg, beg leave to report the following resolution :

Resolved, That his Excellency the Governor be and he is hereby requested to draw a draft on the Branch of the State Bank at Washington, for the sum of four thousand five hundred and fifty-six dollars and forty-six cents, it being the unexpended balance deposited in that Bank by the Commissioners of the Savannah river navigation between Augusta and Petersburg, and cause the same to be deposited in the Treasury of this State.

Approved Dec. 24, 1827.

IN SENATE, Dec. 19, 1827.

The Committee to whom was referred the reports of the several County Academies, have had the same under consideration, and Report :

That these Reports present a condition creditable to the patrons of those Institutions, and flattering to the future reputation of the literature of the State.

But from the most attentive examination, they have been unable to arrive at any satisfactory conclusion, to what extent and proficiency classical education has been taught in these institutions—This branch of literature is so necessary in all systems of juvenile instruction, that few persons in modern days have attained intellectual eminence, whose minds have not received this training.

There are many however emboldened by, perhaps a licentious spirit of enquiry which has distinguished other countries, and from which we are not exempt, have questioned its utility in the education of youth, and rank the practice among the instances in which custom the offspring of circumstances accidental and temporary, has triumphed over the plainest dictates of reason.

The history of classical literature is not without its colour of approval to this opinion. The estimation in which this branch of letters has been held, and the ardour with which it has been pursued in modern days, may perhaps be ascribed to causes accidental and temporary ; and if the Committee can be pardoned the seeming profanation, they would consider these accidental and temporary causes the signal interposition of Divine Providence to rescue mankind from that Gothic ignorance and barbarity which so rapidly increased and benighted the human mind, from the decline and fall of the Roman Empire to the revival of letters in the fifteenth century. An examination of these causes is deemed unnecessary ; they are facts of historical record, and within the reach of every industrious enquirer. The arguments urged against the practice of making the study of the ancient classics a necessary part of education, are the following, viz : It is urged, the time a boy employs

in acquiring a knowledge of words, as they style the study of the Latin and Greek languages, may be more profitably spent in getting a knowledge of things; notwithstanding his young and tender mind may not be qualified to enter on intricate and abstruse studies, it is able to receive and retain a variety of information that would be useful to him in future life; that in learning a language it is the memory that is chiefly exercised, and that this useful faculty may be as easily filled with important facts as condemned to retain a jumble of foreign words, together with the various rules and exceptions under which they have been placed by grammarians. That Geography, Chronology, Natural History, and works of imagination, may be employed by the instructor to give equal exercise to the memory; and by the greater pleasure they would afford to the pupil, as well as his more perfect understanding of them, they would both improve his other faculties and add to his stock of useful knowledge, and that time would be saved in learning, during childhood, much that must be learnt some time or other. In these arguments it is assumed as granted, that in the study of the classics the memory is the only faculty improved. It seems to the Committee, that in studying the ancient languages, all the faculties of the mind are actively exercised, and that in this exercise consists the chief advantage of classical education.

If genius consist in the degree of excellence, attained by all the great faculties of invention, judgment, memory and taste, that system of education must be best which is most likely to give these the utmost degree of improvement, of which they are susceptible. These faculties, scarcely perceptible in the mind of the infant, are gradually developed as the body increases in size and strength; they do not appear at the same time, nor is their progress the same. The memory is in perfection when invention is hardly discerned, and the judgment continues to improve long after the memory is on the decline---hence the discipline adapted to one faculty does not necessarily suit another; now, as by a general law of our nature, every function and power of our body or mind is invigorated by exercise, it should be the object of education to afford to all the faculties that degree of exercise which is essential to their pliancy and strength, and this purpose seems to be effectually answered

by the discipline of the Grammar School. An analysis of a boy's mind in translating from an ancient language into his own, will render this more obvious.

In ascertaining the import of such foreign words and phrases as he does not understand, when he has consulted his dictionary, he often finds them interpreted by numerous English words and phrases, essentially different from one another; in selecting out of this variety that which will best express the meaning of his author, he must weigh, compare and discriminate; and in this employment his judgment is exercised and matured; when the dictionary refuses to afford him the aid he solicits, in his exertion after the suitable and analagous expression, invention and fancy are brought into action. To find out the proper order in which the words are to be arranged in the translation, he must seek that one of the numerous rules of syntax which alone is applicable; and hence arises the habit of *abstraction*.

When the meaning is ascertained, in selecting from the several synonymous expressions that which is happiest and best, his taste is obviously cultivated and improved---In short, the whole business of translating a classic author consists in an unremitted exercise of the mental faculties; in perceiving the resemblances or differences of what he observes, remembers or imagines, and no longer than they are exercised can he make any progress. The translation from his own language into Latin and Greek affords similar advantages to the student, with this difference---that it seems to improve his invention and sagacity more, his judgment and taste less, and is less complete in itself. Memory, it is universally admitted, is sufficiently cultivated in learning the classics.

If we compare the classical with other juvenile studies, it will be found that none will afford the same continued and varied exercise; in Geography, Chronology, and such branches of Natural History as can be learnt from books, the active powers of the mind are suspended and the memory alone is exercised. In the study of our own language, as it is ordinarily taught, the mind is nearly as passive; in the study of Mathematics, the reasoning powers are vigorously and profitably exercised; but they are dormant as to all other relations but number and quantity. In

Physics some useful knowledge may be acquired, and the talent of observation improved, but the reasoning faculties are little exercised, and those of imagination still less ; the consequence of this inherent diversity is, that some minds succeed in one study and some in another, as each cultivates the faculty in which it happens to excel : and hence it is that a proficiency in classical learning which requires and implies the improvement of all the faculties of the mind, is more uniformly an evidence of genius, and gives a surer presage of intellectual strength than any other single acquirement.

During the years of tuition the knowledge of men and things must necessarily be very limited. Nothing but the actual perception of what passes in his own heart and mind, or his observations of the action of others, and the undefinable and ever varying occurrences of life, can impart to man knowledge that will be either useful or accurate ; and every attempt to supply the place of experience will prove inadequate and fallacious. Since knowledge cannot be imparted during youth, it is desirable to improve the future means of acquiring it ; and even if it could be imparted, it would be better to get talents than information, as every one would prefer the ability of writing a poem to that of remembering it, and be prouder of the skill of a painter than to possess some of his pictures. If we examine the list of illustrious names which have figured on the theatre of government, physics, or letters in England, or in our own country, we shall scarcely meet with one who has not received a classical education ; when we find that those whose minds have been thus trained are generally superior in intellectual powers to those who have received a different training, and that those who have been distinguished for the productions of genius agree in nothing more than this mode of instruction ; it seems to lead irresistibly to the conclusion that such mode is superior in improving the intellects. Some distinguished examples may be cited in our own country of men who exhibit strong and vigorous minds without the benefits of classical education ; but it will be found generally, that such men have had their efforts concentrated on a single pursuit, that they have manifested only great reasoning powers in a single department of science. Similar but not equal advantages are to be obtained by the

study of modern languages. There is so much resemblance among all improved modern languages, as to the origin of their words, the small number of their inflections and variations, and the greater number of their particles, that they are learnt with greater facility than the ancient languages, and consequently they afford less exercise and improvement to the mental faculties ; as a proof of this, it requires commonly not more months to acquire a modern European language than it does years to acquire a proficiency in Latin or Greek, and he who has once mastered these languages finds the acquisition of all others easy.

The study of modern languages is not to be regarded as profitless and unnecessary ; our sister States have deemed it an essential and important part of juvenile instruction ; a proficiency in modern classical literature is viewed not only as an ornament to the mind, but obviously useful in our varied, commercial and political intercourse with foreign Nations.

With this view of classical learning, it is a source of melancholy regret that so little care should be bestowed by the patrons of our Academies, on this important part of juvenile education. More deplorable is the apparent want of munificence on the part of the Legislature, the assumed guardians of the literary character of the State. With an extent of territory equalled by but few or none of our sister States, with sources of revenue none other can possess, with a climate mild though varied and congenial to the expansion of human intellect ; the Legislature hitherto, has refused even a temporary endowment for a professorship of modern languages, and also moral and mental philosophy for the University.

When we compare the literary character of Georgia now, with what it might have been ; when we contrast it with many of our sister States, the votary to science will blush, indeed, at the apathy and indifference to intellectual advancement which have hitherto obscured it. When we see our sister States of the North and East so wonderfully and efficiently uniting capital and intellect for our humiliation and ruin, will Georgia scorn the means which can avert and arrest the approaching triumph and consequent dependence ? Will she longer remain supine and in cold-hearted indifference and see these means wrested from her

which can, not only ensure her preservation, but raise her to pre-eminence and distinction? These truths, obvious and incontrovertible, it is hoped, will awaken the guardians of the literature of the State to a sense of our literary degradation, and induce a future appropriation from the funds arising from the sale of public lands, for the permanent endowment of the different professorships which may enable us to sustain, protect and advance our literary and scientific character.

The Committee recommend the following resolutions:

Resolved, That the Justices of the Inferior Court and the Trustees of the Poor School Fund of each county, make to the grand juries in the ensuing year, returns of the disbursements of the funds since December, 1825, together with a particular statement of the number of children instructed, their ages, sex, and mode of instruction pursued, and the persons employed as teachers, and that the said returns be forwarded by the Clerk of the Superior Court to the Governor, to be laid before the *Senatus Academicus* and General Assembly.

Resolved, That the annexed be the form of a return of the several Academies and Free Schools in this State.

To his Excellency the Governor.

SIR—

Annexed you have a correct return of
Academy, in county of for the political year 18

[illegible][illegible]

Approved Dec. 24, 1827.

IN SENATE, Dec. 19, 1827.

Whereas the Commissioners of the Macon bridge are directed by the act of 20th Dec. 1824, annually to rent out said bridge for one whole year, but by an act of the present session of the Legislature, it is directed that the said bridge be sold, therefore—

Resolved, That the said Commissioners are authorised and directed at the next renting so to put up said bridge as to rent the same until it shall be sold and no longer.

Resolved, That the present occupants of the houses and tenements on the reserve lands, remain in the peaceable occupancy thereof until the day of sale of the public reserve, on paying a rent per month equal to the twelfth part of the annual rent of last year, and should such sale not take place before the first day of April next, said tenements are to be rented out by the States agent as heretofore.

Approved Dec. 26, 1827.

IN SENATE, Dec. 19, 1827.

The Committee on Finance to whom was referred the Governors Communication on the subject of the unsettled business between the State of Georgia and the late Maj. Elisha Wood, dec'd. Report :

That on examination of the subject matter submitted to them they find that the late Maj. Elisha Wood, dec'd. received as distributing Secretary of the funds received from the General Government to pay claims for Indian depredations, the sum of one hundred and seven thousand three hundred and eighty-nine dollars and fifty-nine cents, and that all payments made by him on account of said fund, and his account for services, &c. was one hundred and six thousand four hundred and eighty-five dollars and sixty-six cents, there is consequently unaccounted for the sum of nine hundred and three dollars and ninety-three cents on account of said fund, from the estate of said Maj. Elisha Wood, dec'd.

But your Committee find from the journals of the last Legislature that the sum of five hundred dollars was appropriated to the said Maj. Elisha Wood, dec'd. for his services for distributing said fund. Your Committee there-

fore recommend the adoption of the following resolution :

Resolved, That the sum of five hundred dollars appropriated by the last Legislature to the representatives of the late Maj. Elisha Wood, which has not been paid, be withheld and placed to the credit of the estate of said dec'd. and that his Excellency the Governor be, and he is hereby requested to have suit commenced against the estate of said Elisha Wood for the balance of four hundred and three dollars and ninety three cents, and have the same collected with the least delay.

Approved Dec. 26, 1827.

IN SENATE, Dec. 19, 1827.

The Committee to whom was referred the petition of Sowell Woolfolk and John Wimberly, have had the same under consideration and make the following Report:

That from the documents submitted, it appears that Sowell Woolfolk one of the petitioners, on the fifth day of February, 1827, rented a part of the reserve at the Old Agency on Flint river, containing the public ferry, at the public renting of the reserves and fractions by the Commissioner of the State, that at the time the said renting took place, the State's Commissioner gave to the said Woolfolk a certificate, stating that the petitioner had "rented the ferry at the Old Agency on Flint river, with the exclusive privilege of keeping a ferry upon the reserve," and that he was "entitled to all the ferry landings that" were then "made or that might be made upon the reserve, with the State's interest in the flat and ferry rope" and "that he was entitled to immediate possession of the ferry and appurtenances." That from the manner of the renting and the nature of the certificate given by the Commissioner to said Woolfolk, your Committee would conceive that the petitioners might have reasonably calculated on the enjoyment of all the profits and privileges of said ferry to the exclusion of all others on said reserve; it further appears to the Committee that said petitioners were greatly interrupted and their rights prejudiced, by the establishment of another ferry a few hundred yards below the ferry rented by the petitioners,

which was kept up a considerable time as a free ferry, for the express purpose as your Committee conceive of injuring the ferry of the petitioners, and by which the rights of the petitioners was greatly prejudiced, in violation of the pledge of the State's Commissioner contained in the terms of renting and his certificate as aforesaid—therefore, as an act of justice to the petitioners, your Committee recommend the adoption of the following resolution :

Resolved, That the bond or note of the petitioners for the rent of said ferry and appurtenances be given up to the petitioners upon their rendering a true account upon oath to the Treasurer of this State of all the monies received by them at said ferry, together with the expences incurred at the same, and paying the balance after deducting said expences, into the Treasury of the State: *Provided*, That should the expences exceed the amount of receipts at the same, that the State shall not be considered as bound to make the deficiency good to the petitioners: *And provided also*, That the petitioners shall not be entitled to any of the benefits of this resolution whilst the requisitions of the same be complied with by them within sixty days after the approval hereof.

Approved Dec. 26, 1827.

IN SENATE, Dec. 19, 1827.

The Joint Committee on the State of the Republic, to whom was referred so much of the late Governor's communication, as regards the acquisition of the Georgia lands, at present in the occupancy of the Cherokee Indians, and the absolute and jurisdictional right of the State to the same, Report :

That they have bestowed upon this momentous subject, the most mature and deliberate consideration; and although some of the positions which they feel warranted in occupying, may at the first view, appear bold and novel, yet they cherish the hope, that by adverting to the well ascertained, and long established laws of nations, those positions will be found abundantly supported.

We are aware that our repeated appeals to the General Government upon this subject, so vitally interesting to the people of Georgia, have been looked upon as impertinent and obtrusive; but your Committee believe, that the State has been disposed to suffer in silence, so long as the evils under which she labored were sufferable, and that when her claims shall be fairly investigated, and it is seen how unreasonably they have delayed, an enlightened and just community will pronounce the course she has pursued, to have been marked with great moderation and forbearance.

We propose in the discharge of our present duty, to enquire *first*, into the nature and present situation of our claim upon the General Government; and *second*, to investigate the nature and extent of our title to the territory in question, considered abstractedly from our claim upon the General Government.

By the 4th section of the articles of agreement and cession, entered into on the 24th of April, 1802, between the Commissioners of the United States on the other part, it was expressly stipulated and agreed, that the United States should at their own expense, extinguish for the use of Georgia, *as early as the same could be practicably obtained on reasonable terms*, the Indian title to all the lands within the State of Georgia.

It will hardly be contended, that this was a mere *naked promise*, and therefore to be violated at pleasure by the United States, for the contract imports upon its face a most ample and sufficient consideration.

We are not ignorant of the fact, that the General Government having the power in her own hands, is disposed to put her own construction upon this promise, and to make herself the sole and exclusive judge of what may be considered "reasonable terms;" but we respectfully contend, that if she designs to keep up *even the show* of justice, she will suffer this to be controlled by the same rule of construction applicable to all other contracts—that is to say, that the *words* used, shall be understood in that sense which is best calculated to effectuate the true intention of the contracting parties.

The reciprocal objects intended to be accomplished by the United States and Georgia, by the contract in question, were few and simple. They intended that Georgia should

—On the contrary, the United States by negotiation, effected for their own use and aggrandizement, large cessions of territory in another part of the nation, and thereby threw the Indians in greater numbers upon our own territory, and so circumscribed their limits, as greatly to diminish the prospect of their willingness to make further cessions, either for the benefit of Georgia or for any other purpose. And since that time, it has been the constant and favorite policy of the United States, not to hold out inducements to the Indians to yield up the possession of the Georgia lands; but to so add to their comforts, and so instruct them in the business of husbandry as to attach them so firmly to their country and to their homes, as almost to destroy the last ray of hope that they would ever consent to part with the Georgia lands. It is *now* alleged, we understand, that it is impossible for the United States to obtain the lands in question for the use of Georgia, upon “peaceable and reasonable terms;” and therefore that they are under no obligation to obtain them at all. By whom and in what way we beg leave to enquire, has this impossibility been produced? Surely by the United States, and by their policy, and that too against the consent and remonstrance of Georgia—And is it possible, that the General Government will consent in this way to benefit herself, and to take advantage of her own acts, and that too to the injury and oppression of one of her own members? For the dignity and honor of our common country, we earnestly hope not. But although the General Government is under this obligation, and from which she cannot honorably release herself in any other way than by complying with it, yet judging from our past experience, we can scarcely venture to hope, that she will redress our injuries and establish our rights. We are apprised that this subject engaged the attention of the last Legislature, that the resolutions which they adopted were submitted to the President of the United States; and we are glad that in reply, he condescended to express to our Senators in Congress a “*wish to gratify the State,*” but we are sorry that he added “*negotiation*” (with the Indians) “*was hopeless, and that he could not consent to apply force*” We are at liberty to understand this answer no otherwise, than as a distinct and formal determination, to take no step to obtain for and secure to Georgia

her long delayed rights. We have waited upon and trusted to the justice and liberality of the United States for upwards of the fourth of a century, and the result to us is disappointment, insult and injury.

From this gloomy and almost hopeless prospect, we turn our attention to the second branch of our enquiry, and trust that we shall be able to establish in the State of Georgia a good, legal, and perfect title to the lands in question, and that we have the right, by any means in our power, to possess ourselves of them.

In the examination of this important and interesting question, we are necessarily carried back to the earliest history of this country. When the continent of America was first discovered, it was possessed and owned by various wandering tribes of savages; and the discoverers asserted successfully the right of occupying such parts as each discovered, and thereby they established their supreme command over it, asserting their claim both to *domain* and to *empire*. By *domain* we mean that, by "virtue of which a nation may use the country for the supply of its necessities; may dispose of it as it thinks proper, and derive from it every advantage it is capable of yielding." And by "empire" we mean the "right of sovereign command, by which the nation directs and regulates at its pleasure every thing that passes in the country." Precisely in this way, and in no other, did Spain, France, England, Holland and Portugal obtain sovereignty over the portions of this country discovered by each. It may be contended with much plausibility, that there is in these claims more of *force* than of *justice*; but they are claims which have been recognised and admitted by the whole civilised world, and it is unquestionably true, that under such circumstances *force* becomes *right*. This kind of title is not only good and valid agreeable to the laws of *Nations*, but is perfectly consistent with natural justice. The earth was certainly made for the benefit, comfort and subsistence of man, and should be so used as to accommodate the greatest possible number of human beings — It was therefore perfectly in accordance with the design of nature, that the densely populated countries of Europe, should possess themselves of the immense forests in America, which were used only as hunting grounds, and employ them in promoting the comforts and providing

for the subsistence of their overflowing population. Acting, no doubt upon these principles, Great Britain occupied and colonised the province of Georgia, the limits of which anterior to the revolutionary war, were defined, and made to extend from the Atlantic coast to the Mississippi, and from the 31st to the 35th degrees of North latitude. The whole of this territory was made to form a provincial government, thus exercising the highest and most unequivocal acts of sovereignty. In this exercise, both of *domain* and *empire*, on the part of Great Britain, certain portions of territory were reserved for the *use* of the Indians, and the Indians themselves were declared to be under the "protection of Great Britain; and the lands reserved were also under the "sovereignty, protection and dominion" of that government. Thus it is seen, that the sovereignty of Great Britain over the whole of Georgia was complete and perfect; that the absolute right to the soil was in her; that the Indians were under her *protection*; and that their possession was only *permission*. Things remained in this condition until the revolutionary war; upon the termination of which, by the treaty of peace between the United States and the mother country, the sovereignty to the full extent as claimed, owned and exercised by Great Britain over all the lands and Indians within the State of Georgia, passed to and vested in the people of this State. We have shewn we trust, very clearly, that at the end of the revolutionary war, Georgia possessed, and had a right to exercise absolute control and sovereignty over the whole of the territory lying within her then limits; that her claim to *domain* and *empire* was not disputed; that the absolute title to the soil was in her; that the Indians were under her *protection*; and that their possession was by her *permission*, as it had previously been by that of Great Britain. Thus far, we apprehend the premises that we have established, and the conclusions that we have drawn, will not be disputed; for if they are wrong, the very argument that proves them to be so, must defeat the title by which every foot of land in the United States is held, for they all derive title in the same way.

It now remains for us to shew, that since the revolutionary war, Georgia has done no act, and entered into no compact with her sister States, by which she has dives-

ted herself of any portion of her sovereignty, affecting her rights now in question. And this proposition will be supported, if we can shew that no such consequence can result from the articles of confederation, the federal constitution, or the articles of agreement and cession of 1802.

To shew that the articles of confederation have divested Georgia of no portion of her sovereignty, it does not appear to us necessary to take any other ground than the very obvious one, that these articles have been abrogated by the Federal Constitution, which was adopted in its place and stead. But we contend, that even prior to the adoption of that Constitution, they contained no provision when properly construed, affecting the right in question. In the articles of confederation we find this provision: "Each State retains its *sovereignty*, freedom and independence; and every power, *jurisdiction* and *right*" which is not by the "confederation *expressly* delegated to the United States," is reserved to the people of the States. We may search in vain in the articles of confederation, for any *express* delegation of the right of sovereignty or jurisdiction by Georgia to the United States over the territory in controversy. No such express delegation was ever made—the consequence is obvious; it is reserved to the people of the State. Those who differ with us in opinion, may attempt to sustain themselves by one further provision in the articles of confederation—We allude to the power given the United States of regulating "trade," and managing all affairs with the Indians, not *members* of any particular State, but by express provision this power is in no instance to be exercised so as to "infringe or violate the *legislative* right of any State within its own limits." We are by no means satisfied, but that the Indians resident within the limits of Georgia, may fairly be considered "members" of the State; if so, the United States possess not the right to interfere with them even so far as to regulate "trade;" but whether they be members of the State or not, the United States are expressly prohibited from interfering with them in any way so as to "infringe or violate the legislative right of the State within her own limits." We think, therefore, that the articles of confederation have not affected our title in the least.

We next proceed to the enquiry, whether the State's title to, and right of sovereignty over the lands in controversy, have been affected by the Federal Constitution; and if affected, to what extent? We are not disposed to afford even the feeble aid of *our* example for frittering away the Constitution by *construction*; we prefer to take that instrument *as it is*, and not to take from, or add to its provisions. We have always believed, and yet do, that all powers not *expressly* granted by that Constitution, or *plainly implied in*, and *necessary and proper* to the execution of the *expressly granted power*, are reserved to the States; and we earnestly insist upon this rule of construction, so far as that instrument applies to the subject under consideration.

In the third section of the fourth article of the Constitution, we find this provision: "Congress shall have power to dispose of, and make all needful rules and regulations respecting the territory or other property *belonging to the United States*; and nothing in this Constitution shall be so construed, as to prejudice any claims of the U. States or of any particular State." We are unable to see what argument can be fairly drawn from this provision, to shew that Georgia has surrendered up to the United States any portion of her rights so as to affect the present question. This provision not only gives to the U. States the power to *control* and dispose of the territory or property of the *General Government*; but it vests them with no power whatever to control or dispose of the territory or property of *any State*; on the contrary it is expressly stipulated, that in the exercise of this power, the claims of no particular State shall be *prejudiced*. It will not be contended, we apprehend, that since the articles of agreement and cession of 1802, the United States have the smallest shadow of a title to the lands in controversy; and if it were considered necessary, we could easily shew that even *before* that time, they had no well founded title. There is, therefore, nothing in this part of the Constitution *expressly* or *impliedly* divesting Georgia of the right of sovereignty in question, and from the very fact, that no such right was surrendered up into the hands of the United States, we are warranted in asserting that the right was *retained* by the State.

We understand that the power which the Constitution confers upon the President, by and with the advice and consent of the Senate to make *treaties*, is claimed to have an influence upon the present question ; but we are unable to discover any necessary connection between this provision in the Constitution, and the question under consideration. This part of the Constitution, we have always understood, applied to *foreign affairs* only. We are apprised however, that the United States have treated with various tribes of Indians at different times, and that those treaties have been submitted to the Senate for ratification ; but, if we mistake not, since the adoption of the Constitution, Virginia, Ohio, New-York, and Kentucky, have exercised the right of treating with the Indians residing within their limits ; and their right to do so, has not so far as we know or believe, been disputed. But upon this point we feel no sort of solicitude, for it is sufficient for our purpose, that in the Constitutional provision now under review, there is no *express* or *plainly implied* surrender on the part of Georgia of her right of sovereignty to the territory in question.

If there is any other provision in the Federal Constitution affecting this question, we are not apprised of it. And we consequently arrive at the conclusion, that the rights and powers of Georgia in and to the lands in question, remain precisely where they stood immediately upon the conclusion of the revolutionary war, with the exception, that Georgia has, in common with all the other States, given up to the General Government a portion of her right of *empire* ; but she has surrendered that right no farther in relation to the territory in dispute, than she has in relation to all the rest of her territory. In aid of our opinion upon the question of title, we beg leave to refer to the decision made by the Supreme Court of the United States in the famous case of Fletcher & Peck, which fully establishes the principle, that the " Legislature of Georgia, unless restrained by its *own Constitution*, possesses the power of disposing of the unappropriated lands within her own limits, in such manner as her own judgment may dictate. " And the same case establishes the further principle, that " the Indian title is only permissive and temporary, and not at all inconsistent with a seisin in fee on the part of Geor-

gia." We need only add, that this decision was made long subsequent to the adoption of the Federal Constitution.

By the articles of agreement and cession of 1802, Georgia parted with and gave up all her claims and rights, both of *domain* and *empire* to the territory thereby *ceded* to the United States; but these articles contain no *formal* and *express* surrender of any such rights to the territory *reserved*. We are aware that such surrender is claimed to be *implied* from the term "Indian title" as there used. But when the subject is properly understood, we contend that this conclusion does not necessarily result from the premises. This term was not intended, and cannot be understood as building up, and vesting in the Indians, any kind of *title* to the lands in controversy; nor was it intended to add to, or detract from the title which they already had. It was only used as a term descriptive of that title. We have already seen what that title was; that it was a mere possessory one; and that they had so little interest in the soil, that their possession was not inconsistent with a *seisin* in fee on the part of Georgia. But it is contended, that by the articles of agreement and cession, a *consideration* was contemplated to be paid by the United States to the Indians, for their relinquishment of this title; and therefore that it was of such a character as was entitled to respect, and as could not be taken from them unless by their consent. We are of a different opinion. We have already seen the fragile tenure by which they held, and do yet hold lands; but however slender it may have been, yet *some act* was necessary to be done by the United States or Georgia, in order to oust them of possession. This act must necessarily have been of either a warlike or pacific character. If of a warlike character, no consideration of a pecuniary nature could be necessary; but if of a pacific character, then the object was to be accomplished by negotiation, and a consideration would necessarily be the result. Whenever it has been necessary to accomplish a similar act with the Cherokees, or any other nation of Indians, by either of the means just mentioned, from obvious motives of policy, as well as humanity, the United States have preferred resorting to negotiation and presents. In all such instances, the United States were by no means

bound to resort to such measures : they did so from *choice*.

This custom was well known to the contracting parties to the articles of agreement and cession at the time it was entered into, and the relinquishment of the Indian title was intended to be effected in the same way, and the provision in question was simply intended to make the United States sustain all the expense of negotiation, presents, and consideration, which otherwise would have fallen upon Georgia, had she proceeded to the accomplishment of the same object by *pacific means*. But there is nothing in this provision which *prevents* the United States or Georgia from resorting to *force* ; on the contrary, this right seems to be admitted, although the United States would not *bind* themselves to use it. At all events it is evident, that if Georgia possessed this right *before* entering into those articles, she possesses it yet, for a surrender of it is no where to be found. Before Georgia became a party to the articles of agreement and cession, she could rightfully have possessed herself of those lands, either by *negotiation* with the Indians or by *force*, and she had determined in one of the two ways to do so ; but by this contract she made it the duty of the United States to sustain the expense of obtaining for her the possession, provided it could be done upon reasonable terms and by negotiation ; but in case it should become necessary to resort to *force*, this contract with the United States makes no provision : the consequence is, that Georgia is left untrammelled and at full liberty to prosecute her rights in that point of view, according to her own discretion, and as though no such contract had been made. Your committee, therefore, arrive at this conclusion : That anterior to the Revolutionary War, the lands in question belonged to Great Britain ; that the right of sovereignty both as to *domain* and *empire* was complete and perfect in her ; that the possession by the Indians was permissive ; that they were under the protection of that Government ; that their title was temporary ; that they were mere tenants at will ; and that such tenancy might have been determined at any moment, either by negotiation or force, at the pleasure of Great Britain. That upon the termination of the Revolutionary War, and by the Treaty of Peace, Georgia assumed all the rights and powers in relation to the lands and Indians in question, which here-

tofore belonged to Great Britain—That since that time, she has not divested herself of any right or power in relation to the lands now in question, further than she has in relation to all the balance of her territory, and that she is now at full liberty, and has the power and right to possess herself by any means she may choose to employ, of the lands in dispute, and to extend over them her authority and laws.

Although your committee believe the absolute title to the lands in controversy is in Georgia, and that she may rightfully possess herself of them when and by what means she pleases, yet they would not recommend an exercise of that right till all other means fail. We are aware that the Cherokee Indians talk extravagantly of their devotion to the land of their fathers, and of their attachment to their homes; and that they have gone very far toward convincing the general government, that negotiation with them in view of procuring their relinquishment of title to the Georgia lands will be "hopeless"—Yet we do confidently believe that they have been induced to assume this lofty bearing, by the protection and encouragement which has been afforded them by the United States; and that they will speak a totally different language if the general government will change its policy toward them, and apprise them of the nature and extent of the Georgia title to their lands, and what will be the probable consequence of their remaining refractory.

Your committee would recommend that one other, and the last appeal be made to the general government, with a view to open a negotiation with the Cherokee Indians upon this subject---That the United States do instruct their Commissioners to submit this Report to the said Indians; and that if no such negotiation is opened, or if it is, and it proves to be unsuccessful, that then the next Legislature is recommended to take into consideration the propriety of using the most efficient measures for taking possession of, and extending our authority and laws over the whole of the lands in controversy. Your committee in the true spirit of liberality, and for the alone purpose of avoiding any difficulty or misunderstanding with either the general government or the Cherokee Indians, would recommend to the people of Georgia to accept any treaty which may

be made between the United States and those Indians, securing to this State so much of the lands in question, as may remain after making reserves for a term of years, for life, or even in fee simple, to the use of particular Indians, not to exceed in the aggregate one-sixth part of the whole territory—But if all this will not do ; if the United States will not redeem her pledged honor ; and if the Indians continue to turn a deaf ear to the voice of reason and of friendship, we now solemnly warn them of the consequence.—The lands in question *belong* to Georgia---She *must* and she *will* have them.

Influenced by the foregoing considerations, your Committee beg leave to offer the following resolutions :

Resolved, That the United States in failing to procure the lands in controversy “as early” as the same could be done upon “practicable” and “reasonable terms,” have palpably violated their contract with Georgia, and are now bound at all hazards, and without regard to terms, to procure said lands for the use of Georgia.

Resolved, That the policy which has been pursued by the United States toward the Cherokee Indians, has not been in good faith toward Georgia ; and that as all the difficulties which now exist to an extinguishment of the Indian title, have resulted alone from the acts and policy of the United States, it would be unjust and dishonorable in them to take shelter behind those difficulties.

Resolved, That all the lands appropriated and unappropriated, which lie within the conventional limits of Georgia, belong to her absolutely ; that the title is in her ; that the Indians are tenants at her will, and that she may at any time she pleases, determine that tenancy, by taking possession of the premises--and that Georgia has the right to extend her authority and laws over her whole territory, and to coerce obedience to them from all descriptions of people, be them white, red or black, who may reside within her limits.

Resolved, That Georgia entertains for the general government so high a regard and is so solicitous to do no act that can disturb, or tend to disturb the public tranquility, that she will not attempt to improve her rights by violence until all other means of redress fail.

Resolved, That to avoid the catastrophe which none would more sincerely deplore than ourselves, we make this solemn appeal to the President of the United States that he take such steps as are usual, and as he may deem expedient and proper for the purpose of, and preparatory to the holding of a treaty with the Cherokee Indians, the object of which shall be, the extinguishment of their title to all of the lands now in their possession, within the limits of Georgia.

Resolved, That if such treaty be held, the President respectfully requested to instruct the commissioners to send a copy of this report before the Indians in Convention with such comments as may be considered just and proper upon the nature and extent of the Georgia title to the lands in controversy, and the probable consequences which will result from a continued refusal upon the part of the Indians to part with those lands.

Resolved, That his Excellency the Governor be requested to forward a copy of the foregoing report and resolutions to the President of the United States, and our senators and representatives in Congress, with a request that they use their best exertions to obtain the object therein expressed.

Resolved, That the late proceedings of the Cherokee Indians, in framing a Constitution for their Nation, preparing to establish a government independent of Georgia, is inconsistent with the rights of said State, and therefore not recognised by this government, and ought to be decidedly discountenanced by the General Government.

Resolutions Approved Dec. 27, 1827.

IN SENATE, Dec. 21, 1827.

Resolved, That both branches of the General Assembly will meet in the Representative Chamber, this evening at 6 o'clock, for the purpose of electing a Major General and two Brigadier Generals for the 9th Division of Georgia Militia; also five Directors for the Bank of Darien, for the State, and two for the Planters Bank.

Approved Dec. 21, 1827.

IN SENATE, Dec. 21, 1827.

The Joint Committee to which was assigned the duty of procuring and presenting to the General Assembly a plan for the enlargement of the State House, ask leave to **REPORT**:

That of the two which they have had under consideration, the one furnished by Hamilton Fulton, Esq. State Engineer, has their decided preference.

As this plan is handsomely exhibited on a tablet herewith reported, it is deemed unnecessary to add a minute description of it. It however consists essentially of an addition to the north end of the building, thirty-two feet long, comprising wings or rectangular projections on each side, twenty feet in extent of basement, with an elevation to correspond with that of the present building.

Thus enlarged the Representative Hall, exclusive of the spaces given to a principal aisle and narrower passages to the Speaker's chair, will afford seats for two hundred and sixty-eight members; a convenient promenade in the rear of the Speaker's chair, galleries of sufficient size to accommodate one thousand spectators, ten committee rooms and two closets. The State House edifice enlarged and improved on this plan, will have its principal front towards the north, with a basement of ninety-four feet, and elevation of three ample stories, ornamented with windows, ramparts, &c. &c. in Gothic style.

The architect to whose politeness the Committee is indebted for this plan, estimates the total cost of execution, at a sum between sixteen and twenty thousand dollars; depending of course, on the contingent price of materials and the measure of ornamental finish which the taste of the superintendant may prescribe. He also states that should contracts be early and advantageously made for the supply of brick, timber, plank, &c. the building can be so far advanced by November next, to admit of use by the Legislature; but that if retarded to a later period the work may nevertheless proceed without disturbing or changing the present condition of the Representative Hall until the close of the next session.

Influenced by these views of the subject referred to their consideration, the committee begs leave to ask of the General Assembly its concurrence in the following resolves:

First—That the plan for the enlargement of the capitol, here reported, be adopted and carried without delay into execution.

Second—That His Excellency the Governor have authority to charge the State Engineer, or any architect whom he may employ for that purpose, with the supervision and order of said work.

Third—That his Excellency also require the Secretary of State, or some other person of his own nomination, to keep an accurate account of the contracts made and monies disbursed for and on account of said building; and that the Governor shall in no instance draw a warrant for any monies appropriated for such building, until such accountant shall have audited and allowed the claim, and his Excellency shall have approved the same.

Approved Dec. 22, 1827.

IN SENATE, Dec. 22, 1827.

The Joint Committee on Agriculture and Internal Improvement to whom was referred the reference from Senate on the subject of the appropriation made by the Legislature of 1825, for the Locust Stake road in Rabun county, beg leave to REPORT:

That they have had the report of the Commissioner appointed by virtue of that resolution under consideration and find that the sum of \$1812 56 1-4 cents has been expended in opening said road, and that there remains an unexpended balance of \$187 43 3-4 cents. We are happy to state that the object of the appropriation is accomplished and that waggons are travelling on said road.

Your committee therefore offer the following resolution

Resolved, That the unexpended balance of said appropriation amounting to \$187 43 3-4 cents be expended under the direction of said Commissioners, to the improvement and repairs of said road.

Approved Dec. 26, 1827.

IN SENATE, Dec. 24, 1827.

Resolved, That the Governor have published in all the newspapers in Milledgeville and Macon, the act to alter and fix the time of holding the Superior Courts in the Southern Circuit.

Approved Dec. 26, 1827.

IN SENATE, Dec. 19, 1827.

The Joint Committee on Agriculture and Internal Improvement of the State of Georgia, ask leave to report in the terms following:

That as several references have been already noticed, in particular instances, there only remain the following subjects at present entrusted to their charge, at all deemed worthy the attention of the Legislature.

1st. As to the present and actual condition of the several Rivers in this State—the documents in the public offices of the different periods—the reports of the Commissioners thereupon; and the benefits resulting at this time from the system pursued—All of them shew that the plans hitherto adopted have been without any result, either beneficial or even encouraging; for the cause must lie either in the appropriation of the means for the improvement of these streams being too limited, or else, in the application of them hitherto followed by persons engaged to superintend the same—And it is well known, that no improper parsimony is attributable on this head, to the Legislature of Georgia; equally well known, that the fault is to be ascribed, generally speaking, to the want of personal interest, knowledge of, and practical acquaintance with this particular subject by the Commissioners; and also, to the want of some common head to counsel, direct and

streams, possesses advantages inferior to few or none of the sections of our common country. It is therefore our duty as Representatives of our State, to look to any plan or mode of affording any facility to its improvement which the hand of nature might seem to require, and to call the attention of our constituents to any subject so well calculated to advance the ease, comfort and happiness of the people of Georgia, not only as a member of the human family at present existing, but by reason of its being likewise calculated to advance the ease, the comfort and the happiness, as well of those unborn, as of those who from one circumstance or other, may chance to come among us; and would beg leave to ask from the Legislature their attention to the following suggestions, from one of our own citizens; whom to know, there would be in the breast of every liberal man, esteem for his worth, respect for his character, and gratitude for the good he has done.

“To the present Legislature the reflecting people of this State look with no ordinary degree of confidence, for the accomplishment of much, that will for years, give character to her destinies, and brighten her prospects. Among the various measures that will of course occupy its attention, that of Internal Improvement, will doubtless receive its due share of consideration. Certainly nothing can be more immediately and vitally connected with the prosperity of this country, than a wisely devised system for that purpose. By Internal Improvement, is here intended a sober practicable enterprise, limited in its application to the populated parts of the State; adapted to the wants and convenience of all its citizens, poor as well as wealthy; cautiously graduated to the resources of the State, and to be carried on from year to year, without risk of exhausting the treasury, or hazarding the mischief of augmented taxation.

“Among the causes that have combined in retarding the prosperity of this State, and fertile in pernicious consequences, one is, its destitution of good roads, of cheap, convenient and secure channels for the conveyance of produce to markets from the interior and remote parts, as this necessarily leads to an oppressive and disproportionate expense, and operates as a discouraging and depressing force on the industry of the country.

"In the existing state of things, the transportation of one cwt the distance of one hundred miles, taking an average through the year, costs one dollar; of a bale of cotton of the usual weight, three dollars, or from one-eighth to one-tenth of its total value. If one hundred bushels of corn were sent that distance, the freight would reach the exorbitant amount of fifty dollars; or the price of sixty-six bushels, if sold at seventy five cents per bushel, which is probably a fair average for the low country market; manifestly precluding the culture of corn in the parts mentioned, except for neighborhood consumption.

"One hundred thousand bales of cotton from the interior of this State, annually seek a market at various points of our sea coast, or at Augusta. The freight of this transportation cannot be rated lower than three hundred thousand dollars per annum. And if all points of the State be included in the estimate, and a fair allowance made at the same price, for the amount of merchandise forwarded inward, the injury inflicted yearly on the agricultural interest of the country, may be seen in its just magnitude and its disastrous consequences, become apparent to the dullest understanding.

"While cotton commanded a market at from 12 to 20 cents, the mischief above noticed, was little regarded; but it acquires a graver character and claims a more serious consideration, when viewed in connection with the present circumstances and future prosperity of the cotton grower in this country.

"But a few years ago, the Southern States of the Union monopolised the market of Europe for cotton; its culture however, has since been extended over an immense and annually augmenting area, in Asia, Africa and South America. Hence from the operation of causes, resistless in their course as the step of destiny; viz: the vastly increasing production of cotton, and the natural impossibility that consumption, starting from this time, can keep pace with production; it becomes self evident that the price of that article must find a level still lower than that at which it now stands.

"It is equally plain, that the cost of freight will hold an increasing ratio to the value of produce until that reaches its minimum; and also, that when that charge bears a certain high ratio to the value of production, it compels the

planter to direct the whole or a share of his industry to articles less heavily burdened. The corn cultivation of the back country is in this situation.

"In the present state of the business the cotton planter who sends his cotton to a distant market, pays one bale out of 8 or 10 for carriage; but when it shall have sunk to six cents per lb. the point at which, from the circumstances of the world, it will probably become stationary; it will then cost him one bale out of every five or six.

"These views and conclusions, without advancing pretensions to minute accuracy, are in the main sound, and although affording no sufficient motive for despondence, they certainly do for serious and salutary reflection; they lead to the conviction, that great and persevering effort is demanded to relieve the industry and capital of the country from the pressure and disadvantages against which they now have to contend.

"If Georgia is to prosper; if she is to retain her present stand; if she is to be preserved from declension, this is indispensable—otherwise much of the wealth and enterprise of our citizens will seek other soils, where their means can be more profitably employed; this evil has, and to no small extent, already happened; indeed, the early adoption of the system recommended, appears to be not so much a measure of mere expedience as of necessity—If it be wisely planned, and skilfully and faithfully executed, it will accomplish all that its advocates promise."

The pecuniary resources of the State that may be considered applicable to works of internal commercial improvement, may be estimated as follows: the amount of Darien money now in the Treasury, and all the money due the State on account of bonds, accounts and other evidences, and all that may arise from the future sale of lands and other public property not otherwise appropriated. In the application of these resources, several separate and distinct resources present themselves.

1st The most certain mode of gaining a given quantum of improvement at the least probable expense to the State.

2d. The improvements necessary for the permanent commercial and agricultural prosperity of the State.

3d. The method most likely to attain these improvements, and consequent benefits.

4th. The necessity of making this method a permanent appendage of the government.

The first of these considerations presents these points ; contracts, hired labor, and slave labor ; contracts hitherto made in this State with individuals, have uniformly been attended with disaster and defeat ; it is now deemed almost a licentious use of the public Treasury to place it in the hands of any contractor, unless he will submit to a constant and responsible supervision of his labor, which destroys the very object of all such engagements. Hired labor is objectionable from its uncertainty and expensiveness ; uncertain from the constant liability to desertion and forfeiture of their obligation by those who can be induced to be thus employed ; expensive from the enormous price demanded by that class of our population whose labor can be thus obtained under the necessary restrictions to ensure a fulfilment of their promise. It is demonstrable that such laborers cannot be procured at a less price than one dollar per day ; this price, suppose two hundred laborers were employed, would amount to upwards of sixty thousand dollars per annum ; a sum almost or quite equal to what that number of slaves would cost. Admit for argument—and to make the comparison they cost eighty thousand dollars, twenty thousand would clothe, subsist and effect a life insurance at 4 per cent. and allow a legal interest on the capital vested ; the expense would then be as twenty to sixty or clear gain to the State of forty thousand dollars in favor of slave labor ; this computation is not idle conjecture, but is accurately made and is in perfect accordance with the clothing and subsistence of the United States' soldiers.

The Committee are aware of the objections that may be urged to the introduction of so large a number of slaves into the State without any regard to character ; these objections and fears are more imaginary than real when it is considered from the nature of their employment, they will have to be divided into a number of small parcels and superintended by vigilant overseers, and moreover, that there are many persons in the State who employ an equal or greater number of slaves daily on their plantations without any other immoral or disastrous incidents

than are common to this peculiar class of our population, however isolated.

2d. The improvements necessary for the permanent prosperity of the State are natural and artificial.

3d. Natural improvement consists in removing logs, snags, roots, sand bars and other impediments, to the free navigation of the several rivers in the State, and confining the water in the main channel, so as to afford boatable water at all seasons of the year. These improvements are deemed of primary importance, for on the certainty and permanency of this water transportation will depend the value and utility of artificial improvements; these are, canals, rail roads, and turnpikes; and are to be selected with a due regard to economy and facility afforded. Assuming the estimates of Mr. Fulton, the Civil Engineer.

One mile of canal will cost	\$10,768
Annual expenses, including interest,	1,439

Making the sum of	\$11,207
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Transportation of 1 ton for 20 miles, will be \$1 11 cts.

Wooden rail roads with iron plates, as is proved by the experiments made in Pennsylvania at Mauch Chaunk, will cost per mile

\$2500

Annual expences, including intrrest,	907
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Making the sum of	\$3,407
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Transportation of one ton 20 miles. 61 1-4 cts. making a difference of 39 3-4 cts per ton for every 20 miles in favor of the rail road—See Mr. Fulton's report for last year, page 29.

The Committee are aware of the difference in durability of the two modes of improvements, but it is confidently believed, that under all the circumstances, that rail roads will be found the most practicable and useful. at least for the middle and up country. When it is known that by the process of charring, as simple as it is easy, the durability of timber can be increased almost to half a century; a wooden rail road with iron plates, the timbers well coated with linseed oil and common glue, and then covered with newly made and finely powdered charcoal, would remain sound and firm for upwards of thirty years.

The Committee are supported in their position, by an experiment actually made in Lincolnshire in England, where the posts prepared in the manner before prescribed, have remained under water for twenty years, without the wood becoming the least moistened.

The experiment seems so conclusive and so much to the point, that the Committee beg leave to recommend it seriously to the consideration of the superintending authority for the Internal Improvement. Turnpike roads are so little known in this State, that the Committee have no satisfactory data by which they can estimate their comparative advantages. From an estimate furnished by the Civil Engineer, the cost would be sixteen hundred dollars per mile in the sections of country most favorable for their construction. [In confirmation of this estimate, your Committee refer you to Documents C and D] In many parts of the State they would be impracticable from want of materials, or constructed at such an enormous price as to make it unwise to attempt them.

The Committee are aware of the argument that may be urged in opposition to any general system of Internal Improvement, that the planter can transport his own commodities to market in his own waggon.

This argument more specious than true, will be refuted on the slightest examination, if the price of transportation be in proportion to the capital and time employed, and that it is so, surely no one will question; then certainly the loss is equal, whether we convey our cotton to market in our own waggons, or engage those of our neighbor. In addition to this, it will lessen the number of horses in our country; one of the most expensive appendages of a plantation. The Committee are unwilling to leave this subject, without adverting to the immense amount lost to the citizens annually, by the present system of transportation. Assuming as the fact, (and it is far short of truth) that three hundred thousand dollars are expended annually for the transportation of the products of the country market; that of return merchandise may be safely estimated at two hundred thousand more—making a total of expenditure incurred for carriage on the existing plan, of five hundred thousand dollars. By rail road conveyance, it would not exceed one hundred thousand dollars—Thus

realising an absolute increase of wealth to the country, equal to four hundred thousand dollars.

4th. The plan most likely to attain these objects, will consist in a well organised Board of Public Improvement; to this Board should be intrusted the disbursement and disposal of all money that is now or may be hereafter appropriated for the Internal Improvement of the State. They should be allowed to keep in their employ a well practiced Engineer, with a suitable salary, and as many assistants as in their opinion the public service may require; they should have power to direct the survey of any river or route for a canal or rail road, turnpike or other roads that may be deemed necessary for the public use and convenience, and may cause the same to be placed in a suitable condition for use, whenever appropriations may be made to enable them to effect it; and have power to purchase all the necessary implements which in their judgment may be useful and necessary. The Committee are aware, that objections may be urged to the organization of a Board with such plenary powers. But when it is considered, they have the control only of the funds appropriated for Internal Improvement, these objections loose their force, and the intelligence of the Legislature can but conclude, that it is much safer to trust their Internal Improvement funds to persons, however few in number, who are personally known to them, who have been selected from the great body of their fellow citizens for their talents, zeal, fidelity and discretion; and who are annually accountable to them for the faithful performance of their trust, than to persons known only by name, owing no responsibility, who may have been selected more from favoritism, than any manifestation of ability or desire to serve them, or to persons who may seek such appointments, more from a hope of personal aggrandisement, than a regard for the common weal. With these conclusions, the Committee cannot see any good and valid reason why a Board of Commissioners for Internal Improvement should not be made, and become a permanent part of the Government. If precedent be sought, it will be found in all of our sister States who have made advancement in practical improvements for facilitating transportation from the interior of their respective territories.

The General Government have deemed the organization of such board, indispensable to the success of any

enterprise for facilitating interior transportation. If we wish for proof that the plans hitherto adopted are inadequate and fallacious, we need only turn to our rivers where thousands have been expended, and the result, disappointment and vexation. When united with and made a constituent part of the Government, it will rest on the same responsibility with every other department; a responsibility which we have hitherto so much cherished; which is the beauty and ornament of our republic; and so long as it is well observed, will be a sure presage of its durability.

The Committee in conclusion, beg leave to advert to the highly endowed and accomplished individual who has been engaged as Civil Engineer, and has signified his intention to withdraw from the service of the State

The zeal, industry and ability with which he has, in every instance, imparted information on the various intricate and complex subjects which have been submitted to their consideration, entitle him to our decided approbation.

Born and educated in a foreign country, he has become a citizen of the United States, not without the most earnest solicitations and solemn pledges to afford him a means of subsistence for himself and family, equal to and commensurate with the important services that would be required of him, and which he has at all times shewed himself able and ready to bestow. With a mind of great capacity and highly replete with the most useful and practical skill in his department, he would constitute an efficient arm to the Executive of any Government, and his loss will be an occurrence long to be deplored by Georgia in her present exigency. The Committee beg leave to recommend the adoption of the following resolution:

Resolved, That the passage of the bill now in progress in the Senate, for the permanent establishment of a Board of Commissioners for Internal Improvement, with a clause allowing an adequate allowance to a well practiced Engineer, and such other assistants as the public service may require, is the best system which presents itself for the promotion of the future commercial and agricultural prosperity of the State.

Read and agreed to—THOMAS STOCKS, President.

IN THE HOUSE OF REPRESENTATIVES,

December 24, 1827.

Read and concurred in—IRBY HUDSON, Speaker.

IN SENATE, Dec. 19, 1827.

The Joint Committee on the State of the Republic, whom was referred that part of the Governor's communication, and the documents that relate to the prohibition the General Government, of the survey of the territory acquired by the Treaty of the Indians Springs, and threatening of military force to coerce obedience to same, have had the same under consideration, and leave to REPORT:

That the Committee believe, they are warranted in stating that there was no necessity, on the part of the General Government, for this inconsiderate act of power, even though it had been legitimate. In giving the reasons for this belief, any other than a plain but decided language consulting alone a proper self-respect, is deemed unadvisable, for it must be to the tameness of former remonstrances that we are indebted for such repeated acts of aggression. As is remarked by Gov. Troup, the controversy with the general government was to all appearances happily terminating at the close of the last session of the Legislature. But the Indians, under the guidance of a well known subtle influence at home, and emboldened by an equal undue encouragement abroad, have set up the insolent and insulting pretension that they are an independent people and have lost no opportunity to have that claim recognised by the General Government and duly respected by ours.

On the 12th of January last, while the Surveyors of Georgia in the discharge of duties assigned them by law were surveying for the purpose of disposition, the lands acquired by the Treaty of the Indian Springs, a number of Indians styling themselves chiefs and head men of the Creek Nation, demanded of them in writing, "to desist from stretching a chain over any of their lands;" at the same time wresting from them their instruments and threatening personal violence. This demand was communicated to the President by their Agent, and "calling upon him for his interposition to protect them in their rights," as secured to them by the Treaty of Washington.

The President, resolving to declare the Treaty of the Indian Springs, a nullity, and to make the fact more mortifying to Georgia, determined to announce it to the public authorities of the State, upon the complaint, and at the sole instigation of the Creek Indians, and lest this bold attempt should be misunderstood, for the want of that emphatic character which belongs to arbitrary measures, directed the Secretary of War to say to Governor Troup, that he considered the Treaty of Washington as the "supreme law of the land, and charged by the Constitution with the execution of the laws, he should feel himself compelled to employ, if necessary, all the means under his control, to maintain the faith of the Nation by carrying that Treaty into effect."

Under a step so decisive, there was left to the Governor but one course, and it becomes matter of earnest congratulation to the country that it was promptly taken, to resist such an unwarrantable assumption.

It will be readily perceived, that the whole difficulty turned upon the validity of these Treaties. The measures pursued by Georgia, and the rights asserted by her councils, in relation to this often and much agitated question, placed the Governor exactly in the point, where he had to sustain the undivided force of the contest, or leave all the previous policy of the State subject to the censure of ill-primed weakness, or what is worse, to the just reproach of idle infatuation.

The clamor which was early vented against the Treaty of the Indian Springs, and its negotiators, by the Indians, and not a few designing white men, called the attention of the Legislature of Georgia to the subject, and accordingly, after the most deliberate investigation of the charges against its validity, we find that body unanimously declaring that "the Treaty contains in itself intrinsic evidence of its own fairness in the liberal and extended provisions which it contains for the removal, preservation and perpetuity of the Creek Nation, and that the confidence of the State remained unimpaired in the honor, uprightness and integrity of the Commissioners."

This solemn avowal, made by all parties, seemed in good faith, to have imposed upon all parties the most unqualified pledge to support this Treaty, and the Committee

cannot but believe, if it had been more faithfully observed among ourselves, that it would have produced less opposition abroad ; for distracted councils never fail to invite the indulgence of selfish power, or provoke the encroachments of artful ambition.

The Indians not content, however, with the provisions of this Treaty, than which none can ever be more advantageous to them, called upon the general government to abrogate it, and without the consent of Georgia, after her rights had absolutely vested. This has been done, in what is called the Treaty of Washington---an act, which the Committee conceive, involves between the two governments an obvious question of sovereignty. The Committee believe the proper distinction has never been taken between the power to treat and the proper subject matter of Treaty---The first has never been denied, but it is denied that the rights of States can be treated away. This question does not belong to either to decide, but is a subject alone to adjustment by fair negotiation, and to all the assertion of right which either party may choose to maintain. Accordingly in December, 1825, we find the Legislature of Georgia declaring "that full reliance is and ought to be placed in the Treaty lately concluded between the United States for the use of Georgia and the Creek Nation of Indians, at the Indian Springs---That the title of the territory obtained by said Treaty within the limits of Georgia, is considered as an *absolute vested interest*, and that nothing short of the *whole territory*, thus acquired, will be satisfactory, and that the right of entry immediately upon the expiration of the time limited in the treaty, be insisted on and accordingly carried into effect."

This declaration so unequivocal in its character, and coming from a sovereign State, who conceived something at least due to their grievances, though denied to their rights, was totally disregarded, and instead of opening the way to an adjustment of its differences with the general government by friendly negotiation, seems to have increased the spirit of opposition on the part of that government, and what was refused to us was promptly accorded to the Indians. They were met and treated as an independent nation, and in the January following they obtained a recession of part of that very land, in which, but the

month before, the highest authority of Georgia declared they held "an absolute vested interest."

Unwilling yet to increase or continue the causes of controversy with the general government, the Legislature of Georgia at their last session, in the most respectful manner remonstrated against the course which had been pursued, invoked that government to review its measures, and earnestly entreated it to forbear the exercise of powers against which Georgia had so repeatedly protested; at the same time asserting "that Georgia owned exclusively the soil and jurisdiction of all the territory within her present chartered and conventional limits," and that "the attempted abrogation of the Treaty of the Indian Springs, by the Treaty of Washington, in so far as it divested the State of Georgia of any right acquired under the former is illegal and unconstitutional."

This remonstrance, instead of inducing the President to pause, and of inspiring a proper sense of respect for the earnest expostulations of the State, seemed to have no other effect than to add fresh impulse to an hostility that had already gone beyond the limits of either prudence or justice. And that nothing should be wanting to place the course of the general government clearly without the range of doubt or mistake, the President communicated to Congress on the 5th of February last "that the act of the Legislature of Georgia under the construction given to it by the Governor of that State, and the surveys made or attempted to be made by this authority beyond the boundary secured by the treaty of Washington to the Creek Indians, are in direct violation of the supreme law of the land"—and this unqualified opinion, unaided by the weight or authority of any other branch of the government, either legislative or judicial, was thundered forth in the self-same message that declared the singular fact, that the question was about to be submitted to the *tribunals of justice*—But as if impatient of the result which might possibly flow from sober councils and the wonted discretion of legal enquiry, a light in which the subject had not often been considered, and at the same time to overawe all dispassionate investigation of an opinion so bold in its character and *seemingly* so determined in its purpose, it was distinctly announced "that, if the *legislative* and executive authori-

ties of the State of Georgia shall persevere in acts of *encroachment* upon the territories secured by a solemn treaty to the Indians, and the laws of the Union remain unaltered, a superadded obligation, even higher than that of human authority, will compel the Executive of the U States to enforce the laws and fulfil the duties of the nation, by all the *force* committed for that purpose to his charge." And this ill-judged, not to say impotent threat, was repeated in a letter from the Secretary of War to the Governor of Georgia, as already mentioned, and that it should lose nothing of the effect imposed by a military pageant, it was delivered by an officer at arms.

This plain history of the high-handed authority asserted by the President and accompanied with a menace, which in the absence of firmer means is the usual resort of undecided purpose, presents but one intelligible conclusion.

If the legislature meant any thing by its several acts disposing of the territory acquired by the treaty of the Indian Springs—If they meant any thing by approving of the conduct of the negotiators of that treaty—If they meant any thing by declaring that they had an absolute vested interest created by said treaty, and that nothing short of the whole territory thus acquired would be satisfactory, and that the treaty be insisted on and carried into effect"—If they meant any thing by asserting that Georgia owned exclusively the soil and jurisdiction of all the territory within her limits, and that the attempted abrogation of the Treaty of the Indian Springs was illegal and unconstitutional." This Legislature cannot but conceive that it became the bounden duty of the Governor to consider the *whole transaction* as an invasion of our vested rights, offensive in its manner, and not warranted by any principle of justice, meriting that hearty defiance which belongs to a people peculiar for their submission to constitutional authority, but equally remarkable for their opposition, in every shape, to tyranny and usurpation. And that he ought to have been prepared to resist the invasion of a "vested interest" as well in the unsettled territory acquired as in the heart of the oldest settlement of Georgia. Accordingly Governor Troup in reply to the Secretary of War, on the 17th of February last, declared that he felt it "to be his duty to resist to the utmost any military attack which the

government of the United States shall think proper to make on the territory, the people, or the sovereignty of Georgia, and all the measures necessary to the performance of this duty, according to our limited means are in progress. From the first decisive act of hostility you will be considered and treated as public enemies, and with the less repugnance, because you, to whom we might constitutionally have appealed for our defence against invasion, are yourselves the invaders, and what is more, the unblushing allies of the savages whose cause you have adopted." This course is altogether approved by the committee, and what is extremely gratifying, seems to be justified by most of our considerate sister States; and the replication of the Governor, is the more satisfactory, because, unlike some recreant threats that are made for *effect* and *intimidation*, it was backed by a preparation so grave and determined, as to relieve it from all suspicion of being *idle* or *unmeaning*.

There is a circumstance connected with this subject, as the committee conceive, of such honorable disinterestedness, as to make it a matter of lively concern to present it to the consideration of the Legislature. In carrying into effect the orders of the President for the arresting of the public servants of the State, in the strict and faithful performance of a duty imposed upon them by the laws of their country, and subjecting them to the expense and exposure of a public and vexatious prosecution, the agency of the District Attorney became necessary, and was therefore demanded. That office, it is well known, had been and was then ably discharged by our esteemed fellow citizen Richard W. Habersham, Esq. a native Georgian, feeling and believing that his State was most unaccountably harrassed, and unwilling to be the organ of outrage to her rights, or an instrument of oppression to her citizens, he resigned into the hands of those, who were unable to appreciate such an act of magnanimity, a trust which could no longer be held, as he conceived, without disgrace to them and disgust to himself.—For this example of rare patriotism, (and it is not too much to say rivalling many of the deeds of Roman virtue,) he has been most illiberally denounced at home and abroad, by the advocates of an administration more beloved for its patronage than respected for its prin-

IN THE HOUSE OF REPRESENTATIVES,

November 12, 1827.

Resolved, That the election for Brigadier General to fill the vacancy occasioned by the resignation of Brigadier General Allen Lawhon, of the 3d brigade 5th division Georgia Militia, take place this day at 1 o'clock.

Approved Nov. 12, 1827.

IN THE HOUSE OF REPRESENTATIVES,

November 12, 1827.

Resolved, That his Excellency the Governor be authorised to have erected over the remains of William W. Baker, late senator from the county of Liberty, a Monument, to express the respect and esteem in which the deceased was held; and as a tribute of respect to his public and private virtues—And that the Governor be authorised to defray the expenses of the same out of the contingent fund.

Approved Nov. 17, 1827.

IN THE HOUSE OF REPRESENTATIVES,

November 12, 1827.

Whereas a bill is now pending in this House to pardon Ludwell Watts, who is under sentence of death for the murder of Denton Daniel, and there not being sufficient time to act on said bill with the proper deliberation before the day of execution---therefore,

Resolved, That the Governor be requested to postpone the execution of the said Ludwell Watts, until Friday the 14th day of Dec. next, and that the Sheriff of Butts county be notified thereof.

Approved Nov. 14, 1827.

IN THE HOUSE OF REPRESENTATIVES,

November 13, 1827.

Resolved, That all acts which may be passed during the present session of the Legislature, be printed so as to contain the signatures of the speaker of the house of representatives the president of the senate, and the assent and signature of the governor.

Approved Nov. 17, 1827.

IN THE HOUSE OF REPRESENTATIVES,

November 13, 1827.

Whereas by a resolution passed on the 19th day of Dec. 1825, for the better carrying into effect an act of the general assembly, passed the 9th day of December, 1824, to alter and amend an act to impose additional duties on pedlars and itinerant traders, passed the 9th day of December 1819, the Comptroller General was required to publish quarterly in one of the public gazettes of Milledgeville, Augusta, Savannah, Darien and Athens only, the names of all pedlars and itinerant traders who have taken out licence for that purpose. For the better carrying into effect the provisions of said act,

Be it therefore resolved, That in addition to the publications in the several places pointed out and required by the above recited resolution, that it shall be the duty of the Comptroller-General to publish in one of the gazettes in Macon the names of said pedlars and itinerant traders who have taken out their licence according to the provisions of the above recited act.

Approved Nov. 17, 1827.

IN THE HOUSE OF REPRESENTATIVES,

November 13, 1827.

Resolved, That the Commissioners appointed to superintend the navigation of the Chattahoochee river, be and they are hereby authorised and empowered to invest any part of or portion of the money heretofore appropriated for improving the navigation of said river, that they may deem necessary and expedient, in the purchase of slaves : *Provided*, That the said slaves when purchased, shall be and remain the property of the State. and shall be actually employed and kept in the service of the State, in such manner and under such circumstances as the said commissioners may deem expedient and proper.

Approved Nov. 17, 1827.

IN THE HOUSE OF REPRESENTATIVES,

November 14, 1827.

Resolved, That Friday next at 11 o'clock, A. M. be set apart for the election of State House Officers, i. e. Secretary of State, Treasurer, Surveyor and Comptroller-General--- And that the present incumbents of the above offices continue in the discharge of their several duties until the two years (the time for which they were elected) shall have elapsed.

Approved Nov. 16, 1827.

IN THE HOUSE OF REPRESENTATIVES,

November 15, 1827.

Resolved, That the Comptroller-General be authorised to allow George Millen. tax collector of the county of Chatham, in his settlement of taxes for the year 1826, a credit of \$ 23 64, being so much interest paid by him in the treasury on the taxes for the year 1825.

Approved Nov. 21, 1827.

IN THE HOUSE OF REPRESENTATIVES,

November 17, 1827.

The select committee to whom was referred the memorial of the commissioners of the late Land Lottery, REPORT:

That they have had the same under consideration, and from an examination of the books of the drawing made by the Commissioners and deposited in the several offices of the State, they find that the duties imposed upon the commissioners have been discharged with that fidelity and accuracy which does credit to themselves and promotes in an eminent degree the interests of the citizens of this State.

They therefore recommend the following resolution:

Resolved, That the sum of five dollars per day be appropriated to each of the commissioners of the late Land Lottery, and the sum of five dollars per day to each of the clerks to said commissioners as full compensation, and that the same be inserted in the appropriation bill.

Approved Nov. 21, 1827.

IN THE HOUSE OF REPRESENTATIVES,

November 17, 1827.

The Committee to whom was referred the petition of Joshua Milner, Report:

That they have had the same under consideration, and from an examination of the books in the Treasury Office they find that the facts stated in the petition are true---that the said Milner was the purchaser of fraction number 137 in the 4th district in Walton county---that at the time of purchase he paid one fourth in cash of the purchase money---that he has paid the two first instalments, and that but one instalment yet remains due with some interest thereon---and it further appears from the affidavit of said Milner, that some time last summer he lost his pocket book, in

which was the certificate of purchase and the Treasurer two receipts for the two first instalments---Whereupon your Committee recommend the following resolution :

Resolved, That his Excellency the Governor be authorised, and he is hereby required, to issue a grant Joshua Milner for fraction number 137, on his paying in the Treasury the amount of the last instalment due on said fraction, together with all interest which may be due thereon, and filing in the Executive Office an affidavit of the loss of the certificate of purchase, and that the same was not transferred by him in any manner whatever.

Approved Nov. 21, 1827.

IN THE HOUSE OF REPRESENTATIVES

November 22, 1827.

Resolved, That the sum of two thousand dollars be appropriated to the repairing and painting of the government house, and for furnishing the same, and that the said amount be paid out of any monies in the treasury not otherwise appropriated, and that the same be expended under the direction of George R. Clayton, Esq. for the purposes aforesaid.

Approved Dec. 20, 1827.

IN THE HOUSE OF REPRESENTATIVES

December 3, 1827.

Resolved, That his Excellency the Governor be requested to pay the late state house officers the proportion of salary due them according to the salaries received by them for the last year, out of the contingent fund of 1827, and that he also pay them the amount of fees due them on grants for land drawn in the lottery of 1827, at the rates prescribed by the act of the 24th Dec. 1821, to establish the fees of the public officers on grants issued for the land obtained from the Creek and Cherokee Indians.

Approved Dec. 10, 1827.

IN THE HOUSE OF REPRESENTATIVES,

December 5, 1827.

Resolved, That the sum of \$ 20,000 be and the same is hereby appropriated for the purpose of enlarging the state house for the accommodation of the legislature, upon such plan as may be adopted by this legislature, or by a committee appointed for that purpose, and that the same be inserted in the appropriation bill of this session.

Approved Dec. 10, 1827.

IN THE HOUSE OF REPRESENTATIVES,

December 8, 1827,

Whereas William W. Brown, then of Jones county, as principal, and Warren Jourdan, George B. Lucas, Frederick Lucas, and Kindred C. Knight as his securities, on the 29th May, 1824, executed a bond to the then Governor of the State under the penalty of \$5000, conditioned for the payment of \$861 on the 1st day of January 1825---\$861 on the 1st day of January 1826---and \$861 on the 1st day of January 1827, with interest on each instalment from the date of said bond.

And whereas the said William W. Brown has absconded with the whole of his property, which he had not previously disposed of, to parts unknown.

And whereas the said George and Frederick Lucas and Kindred C. Knight have become insolvent and gone to parts unknown, by reason whereof the payment of the whole of said debt devolves on the said Warren Jourdan. Therefore,

Be it resolved, That the Governor be authorised and required to receive in payment of said bond, the bond of said Warren Jourdan with good and sufficient security in the penalty of \$ 5000 conditioned for the payment of \$861 on the 1st day of January 1829, and the like sum on the 1st day of January 1830, and the like sum on the 1st

day of January 1831, with interest on each instalment from the 29th day of May 1824, until the same become due---And that upon the giving of said bond by the said Jourdan the Governor cause to be delivered by the Solicitor-General of the Ocmulgee Circuit, the bonds aforesaid of William W. Brown and his securities to the said Warren Jourdan, with the entry of satisfaction thereon. Warren Jourdan, to pursue his remedy against the principal and co-securities, and upon the payment of cost by said Jourdan the Solicitor-General aforesaid is required to dismiss all actions which may have been commenced on said bonds.

Approved Dec. 14, 1827.

IN THE HOUSE OF REPRESENTATIVES

December 8, 1827.

The select committee to whom was referred the report of the commissioners of the Macon Bridge, have examined the same and find from said report, that said commissioners drew from the Treasury of this state the sum of \$10,000 in pursuance of the act passed in relation to said bridge. That \$9830 38 have been expended by said commissioners about the building of the bridge and expenses incidental to the same---That there now remains an unexpended balance in the hands of said commissioners of \$169 62. That the vouchers accompanying said report of the commissioners correspond with the items contained in their account current, and shew the correctness of said account.

Your committee therefore submit the following resolution :

Resolved, That the commissioners of the bridge at Macon, be allowed a credit on their bond for the sum of \$9830 38, and that said commissioners pay into the treasury of this State the said sum of \$169 38 it being the unexpended balance of remaining in their hands as aforesaid, and upon the payment thereof that his Excellency the Governor be and he is hereby authorised and directed to cancel the bond of said commissioners.

Approved Dec. 14, 1827.

IN THE HOUSE OF REPRESENTATIVES,

December 11, 1827

Resolved, That the Governor be and he is hereby requested to have published forthwith in the public gazettes of Milledgeville and Macon, the act passed at the present session to alter and fix the time of holding the Superior and Inferior Courts in the Chattahoochie Circuit.

Approved Dec. 14, 1827.

IN THE HOUSE OF REPRESENTATIVES,

December 11, 1827

The joint special committee appointed to count the money in the Treasury, and see the same delivered over by the late to the present Treasurer, having performed that duty beg leave to make the following Report, viz :

By the Annual Reports of the late Treasurer and Comptroller-General submitted to this Legislature at the commencement of the session, it appears that the cash balance in the Treasury on the 31st day of October last then amounted to the sum of

\$633,444 38

The late Treasurer paid over to Hines Holt, Esq. Treasurer, the amount received by him from the 1st to the 24th of November last, the sum of

\$27,513 10

Making,

\$660,957 48

The late Treasurer exhibited to the committee sundry warrants drawn on the Treasury, which had been paid by him, from the first to the 24th days of November last, both days inclusive, amounting to

\$23,654 34

Which being deducted from the amount of cash in the Treasury, as above mentioned, shews the balance in cash in the Treasury on 24th day of November last, when James Bozeman, Esq. ceased to act as Treasurer, to be

\$637,303 14

Which balance your Committee have seen counted and delivered over to the present Treasurer, Hines Holt, Esq. in bank notes and specie, to-wit :

In notes of the Darien Bank,	\$490,261
“ State Bank,	117,505
“ Augusta,	3,065
“ Planters,	6,125
In United States Bank Notes and Checks,	19,303
In silver, French crowns and half crowns,	1,043
	<hr/>
	\$637,303

Which amount, with the exception of the Darien Bank Bills, your Committee have delivered over to the present Treasurer unsealed---Your Committee have sealed and delivered to the Treasurer the Darien Bank Bills in packages numbered from one to six inclusive, to-wit :

Package No. 1, cont's Darien bills am't to	\$117,500
No. 2 “ “	137,500
No. 3 “ “	113,000
No. 4 “ “	12,661
No. 5 “ “	72,450
No. 6 “ “	37,150
	<hr/>
Making,	\$490,261

To which add the amount of specie, United States bank notes and checks, the bills of the bank of the State of Georgia, Augusta and Planters Bank, delivered to the present Treasurer unsealed, is

\$147,042

Which makes the amount in the Treasury \$637,303

Which was delivered over by the Committee to the present Treasurer Hines Holt, Esq. on the third day of December, 1827.

Your Committee further report, that they have sealed up in three packages---No. 1 & 2 contain the Governor's and President and Speaker's warrants paid by the late Treasurer, for the political years 1825 and 1826, ending on the

31st day of October last; and No. 3 contains Governor's warrants paid by the late Treasurer from the 1st to the 24th days of November last, both days included.

Read and agreed to—IRBY HUDSON, Speaker.

IN SENATE, Dec. 13, 1827.

Read and concurred in—THOMAS STOCKS, Prest,

IN THE HOUSE OF REPRESENTATIVES,
December 12, 1827.

Resolved, That the Comptroller-General be instructed to allow Edmund Bugg, tax-collector of Richmond county four hundred and twenty-three dollars and fifty cents, which sum is improperly charged against him evidently by mistake.

And as the said tax-collector has paid to the receiver of tax returns of Richmond county on the Comptroller-General's receipt and order, commissions more than were due but for the mistake. It is further

Resolved, That the Comptroller-General allow such payment in his settlement with Edmund Bugg, and give notice to Oliver Reed the present tax collector of taxes in Richmond county, to retain in his hands from the money which will be due to the receiver, the commissions that is over paid for the year 1826, also what excess of commissions may be receivable for 1827, a similar mistake being discovered in the digest for that year.

Approved Dec. 12, 1827.

IN THE HOUSE OF REPRESENTATIVES,

December 1st, 1827.

Whereas by the recent adjournment of the Superior court of Twiggs county, the Tax Collector of said county was not enabled to lay before the Grand Jury his insolvent list, and consequently has not been allowed him—
For remedy whereof,

Be it resolved by the Senate and House of Representatives, That Jordan W. Lee, Tax Collector of Twiggs county be allowed the amount of his insolvent list, provided the same does not exceed \$320 of general taxes until the sitting of the next Superior court of said county, when the same may be allowed him by the Grand Jury, or rejected as the case may be, and that the Comptroller General be required to suspend any proceedings against him for said amount until the expiration of the next term of the Superior court of Twiggs county.

Approved Dec. 18, 1827.

IN THE HOUSE OF REPRESENTATIVES,

December 14, 1827.

Resolved, That his Excellency the Governor be requested to pay out of the contingent fund, the funeral expences of John Bell, Esq. late a member to the House of Representatives of this State from Decatur county, and and that he cause to be placed a suitable tomb stone over the grave of the deceased, the expences of which to be defrayed in like manner.

Approved Dec. 19, 1827.

IN THE HOUSE OF REPRESENTATIVES,

December 15, 1827

Whereas J B. Pendleton, one of the Commissioners of the poor school fund of Walton county, has removed from said county, having in his hands a considerable amount of

money belonging to said fund, which has prevented the remainder of said Commissioners from making a proper return of the expenditure of said fund, thereby excluding them from a warrant in their favor for any further amount.

Be it therefore resolved, That his Excellency the Governor be and he is hereby authorised to draw his warrant on the Treasury for the distributive share of the poor school fund to which said county of Walton is entitled, and that the Justices of the Inferior court of said county of Walton be requested forthwith to prosecute the bond given by said Pendleton.

Approved Dec. 24, 1827.

IN THE HOUSE OF REPRESENTATIVES,

December 18, 1827.

Resolved, That his Excellency the Governor be, and he is hereby authorised and required to pay to the Trustees of the poor school fund of Franklin, or their order, last years dividend of that fund due said county, as well as the dividend that may be declared on said fund in favor of said county the present session of the Legislature, for which purpose he is hereby authorised to draw his warrant on the Treasury.

Approved Dec. 24, 1827.

IN THE HOUSE OF REPRESENTATIVES,

December 8, 1827.

The Committee on Agriculture and Internal Improvement, to whom was referred the report of the Commissioners for the improvement of the navigation of the Oconee river, have examined the same and **REPORT :**

That the labor on the river seems to be directed with some judgment, and the result promises to be advantageous: a contract has been made for the erection of a lock and dam at the whetstone shoals, according to the plan of

the Civil Engineer ; the work is progressing and its completion may be confidently expected in the ensuing summer.

The funds and property of the Commissioners consist in one hundred shares of State Bank stock, twenty thousand dollars Darien money on deposit, and seven hundred dollars for negro hire, nineteen negro men and flats, and the apparatus common for removing obstructions from rivers in this State ; the amount is liable to a deduction of six thousand five hundred dollars, the contract price for the lock and dam at the whetstone shoals ; the balance will be applicable to future improvements on the said river.

IRBY HUDSON, Speaker.

IN SENATE, Dec. 20, 1827.

Read and concurred in—

THOMAS STOCKS, President.

IN THE HOUSE OF REPRESENTATIVES,

December 21, 1827.

Whereas it appears there are arms and munitions of war to a considerable amount belonging to the State in the City of Savannah, which are now in a very exposed situation and liable to great injury.

Be it therefore Resolved, That his Excellency the Governor be, and he is hereby authorised and requested to take such immediate measures as may appear necessary for the preservation of said arms, &c. and that he pay the expense out of the contingent fund.

Approved December 24, 1827.

IN THE HOUSE OF REPRESENTATIVES,

December 21, 1827.

Resolved, That Lucius Q. C. Lamar and Richard K. Hives, Esqrs. be and they are hereby appointed Agents and Attorneys to prosecute to a final settlement, the ac-

counts of Col. Bedney Franklin, late Solicitor General of the Ocmulgee circuit, deceased, and of Capt. Adam G. Saffold and Col. Seaborn Jones, his successors in office, and also the accounts of Clerks, Sheriffs and others, who may be in arrears to the State, on account of the business originally intrusted to Col. Franklin.

Resolved further, That said Attorneys be vested with discretionary powers to allow and admit any amounts as sets off, which the aforesaid parties may justly plead, as compensation for services or as fees for collections—not exceeding 5 per cent on collections made—and 2 1-2 per cent on all amounts carried to judgment but not collected.

Resolved, That said Attorneys proceed forthwith to collect any balances which may be due on all bonds originally delivered to Col. Franklin, but which remain uncollected, and that said Attorneys be allowed 5 per cent on all amounts by them collected and paid into the Treasury as compensation for their services so rendered, in pursuance of the foregoing resolutions.

Approved Dec. 22, 1827.

IN THE HOUSE OF REPRESENTATIVES,
December 22, 1827.

Resolved, That both branches of the General Assembly convene in the Representative Hall this day at 3 o'clock, to elect five Commissioners of fraction sales.

Approved Dec. 22, 1827.

IN THE HOUSE OF REPRESENTATIVES,
December 22, 1827.

The Select Committee to whom was referred the petition of Elisha Tarver, REPORT:

That that the said Elisha Tarver became security for Joseph Bennett, for the rent of the public ferry across the Ocmulgee river at Macon, that the said Bennett has become wholly insolvent, whereby the whole debt has fall-

en upon the security; that for the purpose of indemnifying himself as far as possible, the said Tarver took from the said Bennett a transfer of considerable property, a part of which has been levied upon by the Sheriff of Bibb county on the property of the said Bennett to satisfy sundry filias against him, and has been claimed by the said Tarver, which said claim is now pending and undecided in Bibb Superior court; that the last Legislature by a resolution gave indulgence to the said Tarver until the first of next January, upon his giving good and sufficient security for the whole debt, that he did give a bond with John Robinson and Newdygate Ously as securities—that the said debt is amply and entirely secured to the State, and is upon interest:—Your Committee therefore think the prayer of the petitioner in part is reasonable, and they recommend the adoption of the following:

Resolved, That the Solicitor General of the Flint circuit be, and he is hereby authorised to suspend until the first day of January, 1829, the collection of the amount due the State on the bond given by Joseph Bennett, and the said Elisha Tarver as his security, for the rent of the public ferry across the Ocmulgee river at Macon for the year 1825, provided the said Bennett or Tarver shall or does within two months from the adoption of this resolution pay all interest which shall have occurred upon the said demand up to the first day of January next.

Approved Dec. 24, 1827.

IN THE HOUSE OF REPRESENTATIVES,

December 22, 1827.

Resolved, That Charles Gates, jun. be, and he is hereby appointed Commissioner of the Chattahoochee river, in addition to those already appointed.

And be it further resolved, That before the said Charles Gates, jun. enters on the duties of the appointment he go forward to his Excellency the Governor and enter himself in the bond with the other Commissioners already appointed, and then shall be considered as Commissioner, in full power with those already appointed on said river.

Approved Dec. 26, 1827.

IN THE HOUSE OF REPRESENTATIVES,

December 22, 1827

Resolved, That the suit now pending in the Superior Court of Bibb county, in favor of the State against John Loving and his securities, be prosecuted to a final issue, and in the event of a recovery, that the solicitor-general of the Flint Circuit, be and he is hereby instructed to have the whole of said debt if possible, collected with the least possible delay, out of the property of the said Loving and his securities.

Resolved, That the Comptroller General be and he is hereby instructed to cause suit to be instituted against Samuel Jackson and his securities ; and that the solicitor-general into whose hands the said case may come, and he is hereby instructed to use, all legal means to recover and collect the said debt out of said parties, or so much thereof as may remain due.

Resolved, That the said judgment against Fleming F. Adrian, be and the same is hereby suspended for and during the term of twelve months.

Approved Dec. 26, 1827.

IN THE HOUSE OF REPRESENTATIVES,

December 22, 1827

Resolved, That Mary Ann Tucker and her securities, Benjamin J. Harper, and Samuel Cunningham, be granted indulgence upon a bond given by them to the State for one half of lot number one hundred and sixty, in the second district of originally Baldwin county, until the 25th day of December, 1828, for the balance due on said bond, upon giving additional security to his Excellency the Governor.

Approved Dec. 26, 1827.

IN THE HOUSE OF REPRESENTATIVES,

December 22, 1827.

Resolved by the Senate and House of Representatives of the State of Georgia in General Assembly met, That the Comptroller General be and he is hereby authorised and required to deliver to Rolly McIntosh any bond or bonds in his office on account of the rent of any fraction or fractions on which the said McIntosh resided, and that the said McIntosh be relieved from the payment of any sum or sums as aforesaid, as fully and effectually as if no such bond had been given.

Approved Dec. 26, 1827.

IN THE HOUSE OF REPRESENTATIVES,

December 22, 1827

Resolved by the Senate and House of Representatives of the State of Georgia in General Assembly met, That Mark Shipp and Robert Fleming be appointed Commissioners of Double Branch Academy, of the county of Lincoln, in addition to those already appointed.

Approved Dec. 26, 1827.

IN THE HOUSE OF REPRESENTATIVES,

December 22, 1827.

Resolved, That Messrs Watson, Howard of Baldwin and Burns be and they are hereby appointed a committee to bring up and close the unfinished business of the Legislature, and that they be allowed three days to perform the same.

Approved Dec. 26, 1827.

IN THE HOUSE OF REPRESENTATIVES,

December 22, 1827.

Whereas there are defects in the penal code of this State and in the Penitentiary system and discipline, which ought to be remedied, and by availing ourselves of the experience of other States these defects may be remedied.

Be it therefore resolved, That his Excellency the Governor be and he is hereby requested to procure from the Governors of the respective States in which Penitentiaries have been established, copies of their respective penal codes, and of the codes regulating their Penitentiary discipline; and also such information on the subject of Penitentiary discipline as from experience they may be believe would be useful, together with the amount of annual pecuniary profit or loss to the State from such establishment, and to report such information as he may procure, to the General Assembly at the next session.

Approved Dec. 26, 1827.

IN THE HOUSE OF REPRESENTATIVES,

December 22, 1827.

Resolved, That David Thrash, E. B. Browning, Minor Culpepper, of Monroe county, William Scott, and Henry Auolph of Bibb county, James Bunkley, and Josiah Hardy of Butts county, be and they are hereby appointed commissioners for that part of the Ocmulgee river lying above Macon, with full power to remove all obstructions in said river, so as to admit the free passage of fish up said river, taking care that their actings and doings do not interfere with the main current of said river.

Approved Dec. 26, 1827.

IN THE HOUSE OF REPRESENTATIVES,

December 22, 1827

The Committee to whom was referred the memorial of Daniel C. Campbell, has had the same under consideration and beg leave to Report :

That your committee considers the prayer of your memorialist reasonable and ought to be granted.

Be it therefore resolved, That the trustees of the poor school be instructed to pay over to Daniel C. Campbell the sum of sixty-six dollars, for his services in the tuition of the poor children of his school, for the year 1827, out of any moneys of the poor school of Jones county, not otherwise appropriated.

[Approved Dec. 26, 1827:

IN THE HOUSE OF REPRESENTATIVES,
December 22, 1827.

The committee to whom was referred the petition of Curtis G. Gray has had the same under consideration, and beg leave to Report :

That they consider the petitioner entitled to some pay for his services in the tuition of poor children in his section of Jones county, but not the amount charged in his account made out against the trustees of the poor school fund of said county, considering him however entitled to some remuneration.

Be it therefore resolved, That the trustees of the poor school of Jones county, be instructed to pay over to Curtis G. Gray the sum of ninety dollars out of any funds not otherwise appropriated as an indemnity for his services in the instruction of the poor children of his school for the political years 1826 and 1827.

Approved Dec. 26, 1827.

IN THE HOUSE OF REPRESENTATIVES,
December 24, 1827.

Resolved, That the senators and representatives of this General Assembly shall each receive a copy of the Laws and Journals of the present session when printed, and that copies be delivered them accordingly by the proper officers in their respective counties.

Approved Dec. 26, 1827.

IN THE HOUSE OF REPRESENTATIVES,
December 22, 1827.

The committee to whom was referred the petition of sundry citizens of Morgan county, in favor of Joseph Darnell one of the Trustees of the poor school for said county have had the same under consideration, and learn that said Joseph is one of the Trustees of the poor school fund for Morgan county ; that the office which he holds is one of responsibility, without emolument ; and that some time during the present year the sum of \$60 belonging to the aforesaid fund, then in his possession, was stolen from him. They therefore beg leave to submit the following :

Resolved, That the Justices of the Inferior Court of Morgan county be and they are hereby authorised and required to allow to Joseph Darnell, one of the Trustees of the poor school fund for said county, the sum of \$60, and that the same be passed to the credit of the trustees of said fund in their next exhibit to said Justices, and that said sum of \$60 be entered in the next official return of said trustees to the Executive as a credit in their favor.

Approved Dec. 26, 1827.

IN THE HOUSE OF REPRESENTATIVES,
December 24, 1827.

Resolved, That this Legislature accepts the proposals of Messrs. Amak & Raglund, who propose to execute the work at seven miller sheet of eight octavo pages. The execution of the work is to correspond in every particular with that of the laws and journals of 1824, which are to be taken as the standard. The laws are to be delivered by the first of March, and the journals by the first of April. The laws are to be bound as usual, in blue covers free of charge. They have tendered Hines Holt, Esq. as security.
Approved Dec. 26, 1827.

IN THE HOUSE OF REPRESENTATIVES,
December 15, 1827.

The Committee on Finance to whose examination was referred the Comptroller-General's Office, have examined the books thereof, and find them kept in a manner creditable to that officer, and to correspond with his report, so far as they have examined; they also find in that office a great number of bonds and some receipts for bonds given out for collection, and believe them to be as set forth in the schedule of that officer, but they have not time to go into a minute examination thereof; they also find the books and records of that office all brought up to the 31st of the past month.

The committee have also examined the Treasury Office, and find that the Treasurer's abstract, exhibiting a balance in the Treasury, on the 31st October last, of \$633,444 38 is correct, and that they have also examined his receipts and disbursements from the first to the 24th November inclusive, and find there is a balance due the State upon the business of that time, of \$3,858 76—making together \$637,303 14 in the Treasury.

They further beg leave to add, that the books and accounts of that office have been kept in a manner highly creditable to him.

The committee would here remark, that previous to their being able to bring their duties to a close agreeably to their instructions, they have been relieved from an important part of their duty, by the appointment of a joint committee of both branches of the Legislature, to count and deliver over the money, in the hands of the late Treasurer, to the present incumbent.

They beg leave to recommend that the Treasurer's abstract, the Comptroller-General's report, and the list of Warrants drawn by his Excellency the Governor and referred to this committee be considered as part of this report, and entered on the journals.

Read and agreed to—IRBY HUDSON, Speaker.

IN SENATE, December 17, 1827.

Read and concurred in—THOMAS STOCKS, President.

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